AN ACT to repeal 102.51 (1) (a) 2., 115.76 (12) (a) 2., 115.76 (12) (a) 3., 767.89 (2)
(b) 1., 2. and 3. and 769.401 (2) (g); to renumber 767.84 (1) (a) 1. and 2.; to
renumber and amend 767.84 (1) (a) 3., 767.89 (2) (b) (intro.) and 891.41 (1)
(b); to amend 29.219 (4), 29.228 (5), 29.228 (6), 29.229 (2) (i), 29.2295 (2) (i),
29.563 (3) (a) 3., 29.607 (3), 45.01 (6) (c), 45.51 (3) (c) 2., 45.51 (5) (a) 1. b., 45.51
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2 (2) (b) 2m., 48.355 (4g) (a) 1., 48.356 (1), 48.357 (1) (am) 2. b., 48.357 (5r), 48.361
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7 5., 48.82 (1) (a), 48.837 (1r) (d), 48.837 (1r) (e), 48.837 (6) (b), 48.837 (6) (br),
8 48.837 (8), 48.913 (1) (a), 48.913 (1) (b), 48.913 (1) (c), 48.913 (1) (f), 48.913 (1)
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20 (a) (intro.), 1., 2. and 3. and (b) 1., 2., 3. and 4. (intro.), a. and b., 69.15 (3m) (title),
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767.804 (4) (a) 2., 767.805 (2) (b), 767.805 (4) (d), 767.805 (5) (b), 767.813 (5) (a),
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(2) (b), 948.31 (2) and 990.01 (19j) (b); to repeal and recreate 69.15 (3) (title),
subchapter IX (title) of chapter 767 [precedes 767.80] and 767.80 (1) (b); and to
create 48.02 (5k), 69.15 (3) (b) 3m., 765.02 (3), 767.84 (1) (a) 2m., 891.41 (3),
938.02 (5s), 990.01 (22h), 990.01 (39) and 990.01 (40m) of the statutes; relating
to: adopting gender-neutral terminology and incorporating gender-neutral
marriage and parentage rights.

Analysis by the Legislative Reference Bureau

Summary

This bill recognizes same-sex marriage by making references in the statutes
to spouses gender-neutral, with the intent of harmonizing the Wisconsin Statutes
with the holding of the U.S. Supreme Court in Obergefell v. Hodges, 135 S. Ct. 2584,
192 L. Ed. 2d 609 (2015), which recognizes that same-sex couples have a
fundamental constitutional right to marriage. The bill also recognizes legal
parentage for same-sex couples under certain circumstances and adopts
gender-neutral parentage terminology.

Same-sex marriage

The bill provides that marriage may be contracted between persons of the same
sex and confers the same rights and responsibilities on married persons of the same
sex that married persons of different sexes have under current law. The bill defines
“spouse” as a person who is legally married to another person of the same sex or a
different sex and replaces every reference to “husband” or “wife” in current law with
“spouse.” The bill makes applicable to married persons of the same sex all provisions
under current law that apply to married persons of different sexes. These provisions
relate to such diverse areas of the law as income tax, marital property, inheritance
rights, divorce, child and spousal support, insurance coverage, family and spousal
recreational licenses, consent to conduct an autopsy, domestic abuse, and eligibility
for various types of benefits, such as retirement or death benefits and medical
assistance.

Parentage

In addition to making statutory references to spouses gender-neutral, the bill
specifies ways in which couples of the same sex may be the legal parents of a child,
recognizes that a transgender person may become pregnant and give birth to a child,
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and makes current references in the statutes to “mother” and “father,” and related terms, gender-neutral.

Under current law, all of the following may adopt a child: a husband and wife jointly, a husband or wife whose spouse is the parent of the child, and an unmarried adult. Because the bill makes references in the statutes to spouses gender-neutral, same-sex spouses jointly may adopt a child and become the legal parents of the child, and a same-sex spouse of a person who is the parent of a minor child may adopt the child and become the legal parent of his or her spouse’s child.

Under current law, if a woman is artificially inseminated under the supervision of a physician with semen donated by a man who is not her husband and the husband consents in writing to the artificial insemination of his wife, the husband is the natural father of any child conceived. Under the bill, one spouse may also consent to the artificial insemination of his or her spouse and is the natural parent of the child conceived. The artificial insemination is not required to take place under the supervision of a physician, but, if it does not, the semen used for the insemination must have been obtained from a sperm bank.

Under current law, a man is presumed to be the father of a child if he and the child’s natural mother 1) were married to each other when the child was conceived or born or 2) married each other after the child was born but had a relationship with each other when the child was conceived and no other man has been adjudicated to be the father or is presumed to be the father because the man was married to the mother when the child was conceived or born. The paternity presumption may be rebutted in a legal action or proceeding by the results of a genetic test showing that the statistical probability of another man’s parentage is 99.0 percent or higher. The bill expands this presumption into a parentage presumption, so that a person is presumed to be the natural parent of a child if he or she 1) was married to the person who gave birth to the child when the child was conceived or born or 2) married the person who gave birth to the child after the child was born but had a relationship with the person who gave birth to the child when the child was conceived and no person has been adjudicated to be the child’s parent and no other person is presumed to be the child’s parent because he or she was married, at the time the child was born, to the person who gave birth to the child. The parentage presumption may still be rebutted by the results of a genetic test showing that the statistical probability of another person’s parentage is 99.0 percent or higher. Expanding on current law, the bill allows for a parentage action to be brought for the purpose of rebutting the parentage presumption, regardless of whether that presumption applies to a male or female spouse.

Current law provides that a mother and a man may sign a statement acknowledging paternity and file it with the state registrar. If the state registrar has received such a statement, the man is presumed to be the father of the child. Under current law, either person who has signed a statement acknowledging paternity may rescind the statement before an order is filed in an action affecting the family concerning the child or within 60 days after the statement is filed, whichever occurs first. Under current law, a man who has filed a statement acknowledging paternity that is not rescinded within the time period is conclusively determined to be the
father of the child. The bill provides that two people may sign a statement acknowledging parentage and file it with the state registrar. If the state registrar has received such a statement, the people who have signed the statement are presumed to be the parents of the child. Under the bill, a statement acknowledging parentage that is not rescinded conclusively establishes parentage with regard to the person who did not give birth to the child and who signed the statement.

Under current law, the paternity of a child may be established by genetic testing in an administrative determination of paternity or in a paternity action in court. The bill changes the term “paternity” to “parentage” in the context of establishing the parent of a child by genetic testing.

The bill defines “natural parent” as a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not. Thus, a person who is a biological parent, a parent by consenting to the artificial insemination of his or her spouse, or a parent under the parentage presumption is a natural parent of a child. The definition applies throughout the statutes wherever the term “natural parent” is used. In addition, the bill expands some references in the statutes to “biological parent” by changing the reference to “natural parent.”

**Birth certificates**

Generally, the bill substitutes the term “spouse” for “husband” in the birth certificate statutes and enters the spouse, instead of the husband, of the person who has given birth on the birth certificate at times when a husband would currently be entered on a birth certificate. The name of the person who has given birth is entered on a birth certificate when the person gives birth to a child, and current law specifies when another name should be entered on the birth certificate. Current law requires that if a birth mother is married at any time from the conception to the birth of a child, then her husband’s name is entered on the birth certificate as the legal father of the child. Under the bill, if a person who gives birth is married at any time from the conception to the birth of the child, then that person’s spouse’s name is entered as a legal parent of the child. The bill also specifies that, in the instance that a second parent’s name is initially omitted from the birth certificate, if the state registrar receives a signed acknowledgement of parentage by people presumed to be parents because the two people married after the birth of the child, the two people had a relationship during the time the child was conceived, no person is adjudicated to be the father, and no other person is presumed to be the parent, then the state registrar must enter the name of the spouse of the person who gave birth as a parent on the birth certificate.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.
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For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.219 (4) of the statutes is amended to read:

29.219 (4) HUSBAND AND WIFE SPOUSES RESIDENT LICENSES. A combined husband and wife spouses resident fishing license shall be issued subject to s. 29.024 by the department to residents applying for this license. This license confers upon both husband and wife spouses the privileges of resident fishing licenses.

SECTION 2. 29.228 (5) of the statutes is amended to read:

29.228 (5) ANNUAL FAMILY FISHING LICENSE. The department shall issue a nonresident annual family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the husband, wife spouses and any minor children to fish under this license.

SECTION 3. 29.228 (6) of the statutes is amended to read:

29.228 (6) FIFTEEN-DAY FAMILY FISHING LICENSE. The department shall issue a nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the husband, wife spouses and any minor children to fish under this license.

SECTION 4. 29.229 (2) (i) of the statutes is amended to read:

29.229 (2) (i) Husband and wife Spouses fishing licenses.

SECTION 5. 29.2295 (2) (i) of the statutes is amended to read:

29.2295 (2) (i) Husband and wife Spouses fishing licenses.

SECTION 6. 29.563 (3) (a) 3. of the statutes is amended to read:

29.563 (3) (a) 3. Husband and wife Spouses: $30.25.
SECTION 7. 29.607 (3) of the statutes is amended to read:

29.607 (3) LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every person over the age of 16 and under the age of 65 shall obtain the appropriate wild rice license to harvest or deal in wild rice but no license to harvest is required of the members of the immediate family of a licensee or of a recipient of old-age assistance or members of their immediate families. The department, subject to s. 29.024 (2g) and (2r), shall issue a wild rice identification card to each member of a licensee's immediate family, to a recipient of old-age assistance and to each member of the recipient's family. The term “immediate family” includes husband and wife spouses and minor children having their abode and domicile with the parent or legal guardian.

SECTION 8. 45.01 (6) (c) of the statutes is amended to read:

45.01 (6) (c) The biological natural or adoptive parent or a person who acts in the place of a parent and who has so acted for not less than 12 months prior to the veteran’s entrance into active service.

SECTION 9. 45.51 (3) (c) 2. of the statutes is amended to read:

45.51 (3) (c) 2. The department may deviate from this sequence upon order of the board to prevent the separation of a husband and wife spouses.

SECTION 10. 45.51 (5) (a) 1. b. of the statutes is amended to read:

45.51 (5) (a) 1. b. Was married to the person under sub. (2) (a) 1. or 2. at the time the person entered the service and who became a widow or widower surviving spouse by the death of the person while in the service or as a result of physical disability of the person incurred during the service.

SECTION 11. 45.51 (5) (a) 1. c. of the statutes is amended to read:
45.51 (5) (a) 1. c. The period during which the surviving spouse was married to and lived with the deceased person under sub. (2) (a) 1. or 2. plus the period of widowhood or widowerhood after the death of the deceased person is 6 months or more.

Section 12. 45.55 of the statutes is amended to read:

45.55 Notes and mortgages of minor veterans. Notwithstanding any provision of this chapter or any other law to the contrary, any minor who served in the active armed forces of the United States at any time after August 27, 1940, and the husband or wife spouse of such a minor may execute, in his or her own right, notes or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured by the U.S. department of veterans affairs or the federal housing administrator under the servicemen’s readjustment act of 1944, the national housing act, or any acts supplementing or amending these acts. In connection with these transactions, the minors may sell, release, or convey the mortgaged property and litigate or settle controversies arising therefrom, including the execution of releases, deeds, and other necessary papers or instruments. The notes, mortgages, releases, deeds, and other necessary papers or instruments when so executed are not subject to avoidance by the minor or the husband or wife spouse of the minor upon either or both of them attaining the age of 18 because of the minority of either or both of them at the time of the execution thereof.

Section 13. 46.03 (34) of the statutes is amended to read:

46.03 (34) Fetal alcohol syndrome and drug danger information. The department shall acquire, without cost if possible, information that describes the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother’s use of cocaine or other drugs by the pregnant person during pregnancy and
shall distribute the information free of charge to each county clerk so that each county clerk may provide information to marriage license applicants under s. 765.12 (1) (a) and domestic partnership applicants under s. 770.07 (2).

**SECTION 14.** 46.10 (2) of the statutes is amended to read:

46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed, protected, or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003 stats., and s. 55.06, 2003 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services and supplies provided by any institution in this state including University of Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of the person’s care, maintenance, services and supplies, any person receiving care and services from a county department established under s. 51.42 or 51.437 or from a facility established under s. 49.73, and any person receiving treatment and services from a public or private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (4) (g) and the person’s property and estate, including the homestead, and the spouse of the person, and the spouse’s property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance,
services, and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, widow, surviving spouse, or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

SECTION 15. 46.238 of the statutes is amended to read:

46.238  Infants and Infant or unborn children whose mothers abuse child of a person who has abused controlled substances, controlled substance analogs, or alcohol during pregnancy. If an agency, as defined in s. 48.981 (1) (ag), receives a report under s. 146.0255 (2) or 146.0257 (2) and that agency is a county department under s. 46.22 or 46.23 or a licensed child welfare agency under contract with that county department, the agency shall offer to provide appropriate services and treatment to the infant and the infant's mother, person who gave birth to the infant or to the unborn child, as defined in s. 48.02 (19), and the expectant mother of person pregnant with the unborn child or the agency shall make arrangements for the provision of appropriate services and treatment. If an agency receives a report under s. 146.0255 (2) or 146.0257 (2) and that agency is the department or a licensed child welfare agency under contract with the department, the agency shall refer the report to the county department under s. 51.42 or 51.437 and that county department shall offer to provide, or make arrangements for the provision of, those services and that treatment.

SECTION 16. 48.02 (5k) of the statutes is created to read:
48.02 (5k) “Expectant parent” means a person who is pregnant.

SECTION 17. 48.02 (13) of the statutes is amended to read:

48.02 (13) “Parent” means a biological natural parent, a husband spouse who has consented to the artificial insemination of his wife or her spouse under s. 891.40, or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, “parent” includes a person conclusively determined from genetic test results to be the father parent under s. 767.804 or, a person acknowledged under s. 767.805 or a substantially similar law of another state to be a natural parent, or a person adjudicated to be the biological father a natural parent. “Parent” does not include any person whose parental rights have been terminated. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, “parent” means a biological natural parent of an Indian child, an Indian husband spouse who has consented to the artificial insemination of his wife or her spouse under s. 891.40, or an Indian person who has lawfully adopted an Indian child, including an adoption under tribal law or custom, and includes, in the case of a nonmarital Indian child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person conclusively determined from genetic test results to be the father parent under s. 767.804, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the biological father natural parent, or a person adjudicated to be the biological father natural parent, but does not include any person whose parental rights have been terminated.

SECTION 18. 48.025 (title) of the statutes is amended to read:

48.025 (title) Declaration of paternal parental interest in matters affecting children.
**SECTION 19.** 48.025 (1) of the statutes is amended to read:

48.025 (1) Any person claiming to be the father parent of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803 and whose paternity parentage has not been established may, in accordance with procedures under this section, file with the department a declaration of his parental interest in matters affecting the child. The department may not charge a fee for filing a declaration under this section.

**SECTION 20.** 48.025 (2) (a) of the statutes is amended to read:

48.025 (2) (a) A declaration under sub. (1) may be filed at any time before a termination of the father’s a person’s parental rights under subch. VIII. This paragraph does not apply to a declaration that is filed on or after July 1, 2006.

**SECTION 21.** 48.025 (2) (b) of the statutes is amended to read:

48.025 (2) (b) A declaration under sub. (1) may be filed at any time before the birth of the child or within 14 days after the birth of the child, except that a man person who receives a notice under s. 48.42 (1g) (b) may file a declaration within 21 days after the date on which the notice was mailed. This paragraph does not apply to a declaration filed before July 1, 2006.

**SECTION 22.** 48.025 (2) (c) of the statutes is amended to read:

48.025 (2) (c) The declaration shall be in writing, shall be signed and verified upon oath or affirmation by the person filing the declaration, and shall contain the person’s name and address, the name and last-known address of the mother parent who gave birth or expectant parent, the month and year of the birth or expected birth of the child, and a statement that the person filing the declaration has reason to believe that he or she may be the father parent of the child. If the person filing the
declaration is under 18 years of age, the declaration shall also be signed by a parent or guardian of the person.

**SECTION 23.** 48.025 (2) (d) of the statutes is amended to read:

48.025 (2) (d) A person who has filed a declaration under sub. (1) may revoke the declaration at any time by filing with the department a statement, signed and verified upon oath or affirmation, that the person, to the best of his knowledge and belief, is not the father of the child or that another person has been adjudicated as the father of the child. If the person filing the revocation is under 18 years of age, the revocation shall also be signed by a parent or guardian of the person.

**SECTION 24.** 48.025 (3) (b) of the statutes is amended to read:

48.025 (3) (b) A copy of a declaration filed with the department under sub. (1) shall be sent to the mother at her last-known address of the expectant parent or the person who gave birth. Nonreceipt of such copy shall not affect the validity of the declaration. The mother expectant parent or the person who gave birth may send a written response to the declaration to the department, and the written response shall be filed with the declaration. Failure to send a written response shall not constitute an admission of the statements contained in the declaration.

**SECTION 25.** 48.025 (3) (c) of the statutes is amended to read:

48.025 (3) (c) A court in a proceeding under s. 48.13, 48.133, 48.14, or 938.13 or under a substantially similar law of another state or a person authorized to file a petition under s. 48.25, 48.42, 48.837, or 938.25 or under a substantially similar law of another state may request the department to search its files to determine whether a person who may be the father of the child who is the subject of the proceeding has filed a declaration under this section. If the department has on file
a declaration of **paternal parental** interest in matters affecting the child, the department shall issue to the requester a copy of the declaration. If the department does not have on file a declaration of **paternal parental** interest in matters affecting the child, the department shall issue to the requester a statement that no declaration could be located. The department may require a person who requests a search under this paragraph to pay a reasonable fee that is sufficient to defray the costs to the department of maintaining its file of declarations and publicizing information relating to declarations of **paternal parental** interest under this section.

**SECTION 26.** 48.025 (5) (a) 1. of the statutes is amended to read:

48.025 (5) (a) 1. That a person claiming to be the father **parent** of a nonmarital child may affirmatively protect his or her parental rights by filing a declaration of interest under this section.

**SECTION 27.** 48.19 (1) (cm) of the statutes is amended to read:

48.19 (1) (cm) An order of the judge if made upon a showing satisfactory to the judge that the child is an expectant **mother parent**, that due to the child expectant **mother’s parent’s** habitual lack of self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered unless the child expectant **mother parent** is taken into custody and that the child expectant **mother parent** is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. The order shall specify that the child expectant **mother parent** be held in custody under s. 48.207 (1).

**SECTION 28.** 48.193 (1) (c) of the statutes is amended to read:
48.193 (1) (c) An order of the judge if made upon a showing satisfactory to the judge that due to the adult expectant mother’s parent’s habitual lack of self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered unless the adult expectant mother parent is taken into custody and that the adult expectant mother parent is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. The order shall specify that the adult expectant mother parent be held in custody under s. 48.207 (1m).

SECTION 29. 48.20 (8) (b) of the statutes is amended to read:

48.20 (8) (b) If the child is an expectant mother parent who has been taken into custody under s. 48.19 (1) (cm) or (d) 8., the unborn child’s guardian ad litem shall receive the same notice about the whereabouts of the child expectant mother, about the reasons for holding the child expectant mother in custody, and about the detention hearing as the child expectant mother and her parent, guardian, legal custodian, or Indian custodian. The intake worker shall notify provide the notice under par. (a) to the child expectant mother parent, her the child expectant parent’s parent, guardian, legal custodian, or Indian custodian, and the unborn child’s guardian ad litem.

SECTION 30. 48.203 (4) of the statutes is amended to read:

48.203 (4) If the adult expectant mother parent is believed to be mentally ill, drug dependent or developmentally disabled, and exhibits conduct which constitutes a substantial probability of physical harm to herself or others any person, or a
substantial probability of physical impairment or injury to the adult expectant mother parent exists due to the impaired judgment of the adult expectant mother parent, and the standards of s. 51.15 are met, the person taking the adult expectant mother parent into physical custody, the intake worker, or other appropriate person shall proceed under s. 51.15.

**SECTION 31.** 48.203 (5) of the statutes is amended to read:

48.203 (5) If the adult expectant mother parent is believed to be an intoxicated person who has threatened, attempted, or inflicted physical harm on herself or on another any person and is likely to inflict such physical harm unless committed, or is incapacitated by alcohol or another drug, the person taking the adult expectant mother parent into physical custody, the intake worker, or other appropriate person shall proceed under s. 51.45 (11).

**SECTION 32.** 48.203 (6) (a) of the statutes is amended to read:

48.203 (6) (a) When an adult expectant mother parent is interviewed by an intake worker, the intake worker shall inform the adult expectant mother parent of her the expectant parent’s right to counsel.

**SECTION 33.** 48.205 (1) (d) of the statutes is amended to read:

48.205 (1) (d) Probable cause exists to believe that the child is an expectant mother parent, that if the child expectant mother parent is not held, there is a substantial risk that the physical health of the unborn child, and of the child when born, will be seriously affected or endangered by the child expectant mother’s parent’s habitual lack of self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, and that the child expectant mother parent is refusing or has refused to accept any alcohol or
other drug abuse services offered to her or is not making or has not made a good faith
effort to participate in any alcohol or other drug abuse services offered to her.

SECTION 34. 48.205 (1m) of the statutes is amended to read:

48.205 (1m) An adult expectant mother parent of an unborn child may be held
under s. 48.207 (1m) if the intake worker determines that there is probable cause to
believe that the adult expectant mother parent is within the jurisdiction of the court,
to believe that if the adult expectant mother parent is not held, there is a substantial
risk that the physical health of the unborn child, and of the child when born, will be
seriously affected or endangered by the adult expectant mother parent’s habitual
lack of self-control in the use of alcohol beverages, controlled substances or
controlled substance analogs, exhibited to a severe degree, and to believe that the
adult expectant mother parent is refusing or has refused to accept any alcohol or
other drug abuse services offered to her or is not making or has not made a good faith
effort to participate in any alcohol or other drug abuse services offered to her.

SECTION 35. 48.21 (1) (b) 4. of the statutes is amended to read:

48.21 (1) (b) 4. That, if the child is an expectant mother parent who was taken
into custody under s. 48.19 (1) (cm) or (d) 8., probable cause exists to believe that
there is a substantial risk that if the child expectant mother parent is not held, the
physical health of the unborn child, and of the child when born, will be seriously
affected or endangered by the child expectant mother’s parent’s habitual lack of
self-control in the use of alcohol beverages, controlled substances, or controlled
substance analogs, exhibited to a severe degree, and to believe that the child
expectant mother parent is refusing or has refused to accept any alcohol or other drug
abuse services offered to her or is not making or has not made a good faith effort to
participate in any alcohol or other drug abuse services offered to her.
**SECTION 36.** 48.213 (1) (b) of the statutes is amended to read:

48.213 (1) (b) If no petition has been filed by the time of the hearing, an adult expectant mother parent of an unborn child may be held in custody with the approval of the judge or circuit court commissioner for an additional 72 hours after the time of the hearing, excluding Saturdays, Sundays and legal holidays, only if, as a result of the facts brought forth at the hearing, the judge or circuit court commissioner determines that probable cause exists to believe that there is a substantial risk that if the adult expectant mother parent is not held, the physical health of the unborn child, and of the child when born, will be seriously affected or endangered by the adult expectant mother’s parent’s habitual lack of self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, and to believe that the adult expectant mother parent is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her. The extension may be granted only once for any petition. In the event of failure to file a petition within the extension period provided for in this paragraph, the judge or circuit court commissioner shall order the adult expectant mother’s parent’s immediate release from custody.

**SECTION 37.** 48.217 (1) (c) 2. of the statutes is amended to read:

48.217 (1) (c) 2. By the child expectant mother parent, if 12 years of age or over, her the child expectant parent’s parent, guardian, legal custodian, or Indian custodian, and the unborn child’s guardian ad litem.

**SECTION 38.** 48.217 (4) of the statutes is amended to read:

48.217 (4) EXPECTANT MOTHER PARENT; PLACEMENT OUTSIDE THE HOME. The court may not change the placement of an expectant mother parent of an unborn child
alleged to be in need of protection or services from a placement in the expectant mother’s parent’s home to a placement outside of the expectant mother’s parent’s home unless the court finds that the expectant mother parent is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her.

SECTION 39. 48.23 (2m) (b) of the statutes is amended to read:

48.23 (2m) (b) If a petition under s. 48.133 is contested, no expectant mother parent may be placed outside of her the expectant parent’s home unless the expectant mother parent is represented by counsel at the fact-finding hearing and subsequent proceedings. If the petition is not contested, the expectant mother parent may not be placed outside of his or her home unless the expectant mother parent is represented by counsel at the hearing at which the placement is made. An adult expectant mother parent, however, may waive counsel if the court is satisfied that the waiver is knowingly and voluntarily made and the court may place the adult expectant mother parent outside of her the expectant parent’s home even though the adult expectant mother parent was not represented by counsel.

SECTION 40. 48.245 (2r) of the statutes is amended to read:

48.245 (2r) The intake worker may, after giving written notice to the child, the child’s parent, guardian, and legal custodian, and their counsel, if any, or after giving written notice to the child expectant mother, her parent, the child expectant parent’s parent, guardian, and legal custodian, and their counsel, if any, or after giving written notice to the adult expectant mother parent and her the adult expectant parent’s counsel, if any, extend the informal disposition for up to an additional 6 months unless the parent, guardian, or legal custodian, the child or child expectant
mother parent, if 12 years of age or over, or the adult expectant mother parent objects to the extension. If the parent, guardian, or legal custodian, the child or child expectant mother parent, if 12 years of age or over, or the adult expectant mother parent objects to the extension, the intake worker may request the district attorney or corporation counsel to file a petition under s. 48.13 or 48.133. An extension under this subsection may be granted only once for any informal disposition. An extension under this subsection of an informal disposition relating to an unborn child who is alleged to be in need of protection or services may be granted after the child is born.

SECTION 41. 48.245 (3) of the statutes is amended to read:

48.245 (3) The obligations imposed under an informal disposition and its effective date shall be set forth in writing. The written agreement shall state whether the child has been adopted. The child and a parent, guardian, and legal custodian; the child expectant mother, her parent, the child expectant parent’s parent, guardian, and legal custodian, and the unborn child’s guardian ad litem; or the adult expectant mother parent and the unborn child’s guardian ad litem, shall receive a copy, as shall any agency providing services under the agreement.

SECTION 42. 48.245 (4) of the statutes is amended to read:

48.245 (4) The intake worker shall inform the child, if 12 years of age or over, and the child’s parent, guardian, and legal custodian, the child expectant mother parent, if 12 years of age or over, and her the child expectant parent’s parent, guardian, and legal custodian, or the adult expectant mother parent in writing of their right to terminate the informal disposition at any time or object at any time to the fact or terms of the informal disposition. If there is an objection, the intake worker may alter the terms of the agreement or request the district attorney or corporation counsel to file a petition. If the informal disposition is terminated, the
intake worker may request the district attorney or corporation counsel to file a
petition.

SECTION 43. 48.245 (5) of the statutes is amended to read:

48.245 (5) Informal disposition shall be terminated upon the request of the
child, if 12 years of age or over, or the child’s parent, guardian, or legal custodian,
upon request of the child expectant mother parent, if 12 years of age or over, or her
the child expectant parent’s parent, guardian, or legal custodian, or upon the request
of the adult expectant mother parent.

SECTION 44. 48.245 (8) of the statutes is amended to read:

48.245 (8) If the obligations imposed under the informal disposition are met,
the intake worker shall so inform the child and a parent, guardian, and legal
custodian; the child expectant mother, her parent, the child expectant parent’s
parent, guardian, and legal custodian, and the unborn child’s guardian ad litem; or
the adult expectant mother parent and the unborn child’s guardian ad litem, in
writing, and no petition may be filed on the charges that brought about the informal
disposition nor may the charges be the sole basis for a petition under ss. 48.13 to

SECTION 45. 48.255 (1m) (f) of the statutes is amended to read:

48.255 (1m) (f) If the expectant mother parent is a child and the child expectant
mother is being held in custody outside of her the child expectant parent’s home,
reliable and credible information showing that continued placement of the child
expectant mother parent in her the child expectant parent’s home would be contrary
to the welfare of the child expectant mother parent and, unless any of the
circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible
information showing that the person who took the child expectant mother parent
into custody and the intake worker have made reasonable efforts to prevent the
removal of the child expectant mother parent from the home, while assuring that the
child expectant mother’s parent’s health and safety are the paramount concerns, and
to make it possible for the child expectant mother parent to return safely home.

Section 46. 48.255 (1m) (g) of the statutes is amended to read:

48.255 (1m) (g) If the petitioner knows or has reason to know that the expectant
mother parent is an Indian child, and if the child expectant mother who has been
removed from the home of her the child expectant parent’s parent or Indian
custodian, reliable and credible information showing that continued custody of the
child expectant mother parent by his or her parent or Indian custodian is likely to
result in serious emotional or physical damage to the child expectant mother parent
under s. 48.028 (4) (d) 1. and reliable and credible information showing that active
efforts under s. 48.028 (4) (d) 2. have been made to prevent the breakup of the Indian
child’s family and that those efforts have proved unsuccessful. The petition shall set
forth with specificity both the information required under this paragraph and the
information required under par. (f).

Section 47. 48.255 (4) of the statutes is amended to read:

48.255 (4) A copy of a petition under sub. (1) shall be given to the child if the
child is 12 years of age or over and to a parent, guardian, legal custodian, and
physical custodian. A copy of a petition under sub. (1m) shall be given to the child
expectant mother parent, if 12 years of age or over, her the child expectant parent’s
parent, guardian, legal custodian, and physical custodian, and the unborn child’s
guardian ad litem or to the adult expectant mother parent, the unborn child’s
guardian ad litem, and the physical custodian of the expectant mother parent, if any.
If the child is an Indian child who has been removed from the home of his or her
parent or Indian custodian or the unborn child will be an Indian child when born, a

copy of a petition under sub. (1) or (1m) shall also be given to the Indian child’s Indian
custodian and tribe or the Indian tribe with which the unborn child may be eligible
for affiliation when born.

**SECTION 48.** 48.27 (3) (b) 1. and 2. of the statutes are amended to read:

48.27 (3) (b) 1. Except as provided in subd. 2., if the petition that was filed
relates to facts concerning a situation under s. 48.13 or a situation under s. 48.133
involving an expectant **mother parent** who is a child and if the child is a nonmarital
child who is not adopted or whose parents do not subsequently intermarry as
provided under s. 767.803 and if **paternity the child’s parentage** has not been
established, the court shall notify, under s. 48.273, all of the following persons:

a. A person who has filed a declaration of **paternal parental** interest under s.
48.025.

b. A person alleged to the court to be the father **a parent** of the child or who may,
based on the statements of the **mother parent who gave birth to the child** or other
information presented to the court, be the father **a parent** of the child.

2. A court is not required to provide notice, under subd. 1., to any person who
may be the father **parent** of a child conceived as a result of a sexual assault if a
physician attests to his or her belief that there was a sexual assault of the child’s
**mother person who gave birth** that may have resulted in the child’s conception.

**SECTION 49.** 48.27 (3) (c) of the statutes is amended to read:

48.27 (3) (c) If the petition that was filed relates to facts concerning a situation
under s. 48.133 involving an expectant **mother parent** who is an adult, the court shall
notify, under s. 48.273, the unborn child’s guardian ad litem, the expectant **mother
parent**, the physical custodian of the expectant **mother parent**, if any, and any person
specified in par. (d), if applicable, of all hearings involving the unborn child and
expectant mother parent except hearings on motions for which notice need only be
provided to the expectant mother parent and her the expectant parent’s counsel and
the unborn child’s guardian ad litem. The first notice to any interested party shall
be written and may have a copy of the petition attached to it. Thereafter, notice of
hearings may be given by telephone at least 72 hours before the time of the hearing.
The person giving telephone notice shall place in the case file a signed statement of
the time notice was given and the person to whom he or she spoke.

SECTION 50. 48.27 (4) (b) 2. of the statutes is amended to read:

48.27 (4) (b) 2. Advise the adult expectant mother parent of her the expectant
parent’s right to legal counsel regardless of ability to pay.

SECTION 51. 48.27 (5) of the statutes is amended to read:

48.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort
to identify and notify any person who has filed a declaration of paternal parental
interest under s. 48.025, any person conclusively determined from genetic test
results to be the father parent under s. 767.804 (1), any person who has
acknowledged paternity parentage of the child under s. 767.805 (1), and any person
who has been adjudged to be the father parent of the child in a judicial proceeding
unless the person’s parental rights have been terminated.

SECTION 52. 48.295 (1) of the statutes is amended to read:

48.295 (1) After the filing of a petition and upon a finding by the court that
reasonable cause exists to warrant a physical, psychological, mental, or
developmental examination or an alcohol and other drug abuse assessment that
conforms to the criteria specified under s. 48.547 (4), the court may order any child
coming within its jurisdiction to be examined as an outpatient by personnel in an
approved treatment facility for alcohol and other drug abuse, by a physician, psychiatrist or licensed psychologist, or by another expert appointed by the court holding at least a master’s degree in social work or another related field of child development, in order that the child’s physical, psychological, alcohol or other drug dependency, mental, or developmental condition may be considered. The court may also order a physical, psychological, mental, or developmental examination or an alcohol and other drug abuse assessment that conforms to the criteria specified under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for a child is at issue before the court or of an expectant mother parent whose ability to control her use of alcohol beverages, controlled substances, or controlled substance analogs is at issue before the court. The court shall hear any objections by the child or the child’s parents, guardian, or legal custodian to the request for such an examination or assessment before ordering the examination or assessment. The expenses of an examination, if approved by the court, shall be paid by the county of the court ordering the examination in a county having a population of less than 750,000 or by the department in a county having a population of 750,000 or more. The payment for an alcohol and other drug abuse assessment shall be in accordance with s. 48.361.

**SECTION 53.** 48.299 (1) (a) of the statutes is amended to read:

48.299 (1) (a) The general public shall be excluded from hearings under this chapter and from hearings by courts exercising jurisdiction under s. 48.16 unless a public fact-finding hearing is demanded by a child through his or her counsel, by an expectant mother parent through her counsel, or by an unborn child’s guardian ad litem. However, the court shall refuse to grant the public hearing in a proceeding
other than a proceeding under s. 48.375 (7), if a parent, guardian, expectant mother parent, or unborn child’s guardian ad litem objects.

**SECTION 54.** 48.299 (6) (intro.) of the statutes is amended to read:

> 48.299 (6) (intro.) If a **man person** who has been given notice under s. 48.27 (3) (b) 1., 48.977 (4) (c) 1., 48.978 (2) (c) 1., or 48.9795 (4) (c) 1. appears at any hearing for which he the person received the notice, alleges that he is the father to be the parent of the child, and states that he wishes requests to establish the paternity of the child child’s parentage, all of the following apply:

**SECTION 55.** 48.299 (6) (e) 1. of the statutes is amended to read:

> 48.299 (6) (e) 1. In this paragraph, “genetic test” means a test that examines genetic markers present on blood cells, skin cells, tissue cells, bodily fluid cells or cells of another body material for the purpose of determining the statistical probability that a **man person** who is alleged to be a child’s father parent is the child’s biological father parent.

**SECTION 56.** 48.299 (6) (e) 2. of the statutes is amended to read:

> 48.299 (6) (e) 2. The court shall, at the hearing, orally inform any **man person** specified in sub. (6) (intro.) that he or she may be required to pay for any testing ordered by the court under this paragraph or under s. 885.23.

**SECTION 57.** 48.299 (6) (e) 3. of the statutes is amended to read:

> 48.299 (6) (e) 3. In addition to ordering testing as provided under s. 885.23, if the court determines that it would be in the best interests of the child, the court may order any **man person** specified in sub. (6) (intro.) to submit to one or more genetic tests which shall be performed by an expert qualified as an examiner of genetic markers present on the cells and of the specific body material to be used for the tests, as appointed by the court. A report completed and certified by the court-appointed
expert stating genetic test results and the statistical probability that the man person  
alleged to be the child’s father parent is the child’s biological father parent based  
upon the genetic tests is admissible as evidence without expert testimony and may  
be entered into the record at any hearing. The court, upon request by a party, may  
order that independent tests be performed by other experts qualified as examiners  
of genetic markers present on the cells of the specific body materials to be used for  
the tests.

SECTION 58. 48.299 (6) (e) 4. of the statutes is amended to read:

48.299 (6) (e) 4. If the genetic tests show that an alleged father parent is not  
excluded and that the statistical probability that the alleged father parent is the  
child’s biological father parent is 99.0 percent or higher, the court may determine  
that for purposes of a proceeding under this chapter, other than a proceeding under  
subch. VIII, the man person is the child’s biological parent.

SECTION 59. 48.299 (7) of the statutes is amended to read:

48.299 (7) If a man person who has been given notice under s. 48.27 (3) (b) 1.,  
48.977 (4) (c) 1., 48.978 (2) (c) 1., or 48.9795 (4) (c) 1. appears at any hearing for which  
he the person received the notice but does not allege that he is the father to be the  
parent of the child and states a wish to establish the paternity  
parentage of the child, or if no man person to whom such notice was given appears  
at a hearing, the court may refer the matter to the state or to the attorney responsible  
for support enforcement under s. 59.53 (6) (a) for a determination, under s. 767.80,  
of whether an action should be brought for the purpose of determining the paternity  
parentage of the child.

SECTION 60. 48.299 (8) of the statutes is amended to read:
48.299 (8) As part of the proceedings under this chapter, the court may order that a record be made of any testimony of the child's mother person who gave birth to the child relating to the child's paternity parentage. A record made under this subsection is admissible in a proceeding to determine the child's paternity parentage under subch. IX of ch. 767.

SECTION 61. 48.30 (2) of the statutes is amended to read:

48.30 (2) At the commencement of the hearing under this section, the child and the parent, guardian, legal custodian, or Indian custodian; the child expectant mother, her parent, the child expectant parent's parent, guardian, legal custodian, or Indian custodian, and the unborn child's guardian ad litem; or the adult expectant mother parent and the unborn child's guardian ad litem; shall be advised of the rights specified in s. 48.243 and shall be informed that a request for a jury trial or for a substitution of judge under s. 48.29 must be made before the end of the plea hearing or is waived. Nonpetitioning parties, including the child, shall be granted a continuance of the plea hearing if they wish to consult with an attorney on the request for a jury trial or substitution of a judge.

SECTION 62. 48.32 (1) (a) of the statutes is amended to read:

48.32 (1) (a) At any time after the filing of a petition for a proceeding relating to s. 48.13 or 48.133 and before the entry of judgment, the judge or a circuit court commissioner may suspend the proceedings and place the child or expectant mother parent under supervision in the home or present placement of the child or expectant mother parent. The court may establish terms and conditions applicable to the child and the child's parent, guardian, or legal custodian, to the child expectant mother parent and her the child expectant parent's parent, guardian or legal custodian, or to the adult expectant mother parent, including the condition specified in sub. (1b).
The order under this section shall be known as a consent decree and must be agreed
to by the child if 12 years of age or older, the parent, guardian, or legal custodian, and
the person filing the petition under s. 48.25; by the child expectant [mother parent,]
her the child expectant parent's parent, guardian, or legal custodian, the unborn
child’s guardian ad litem, and the person filing the petition under s. 48.25; or by the
adult expectant [mother parent,] the unborn child's guardian ad litem, and the person
filing the petition under s. 48.25. The consent decree shall be reduced to writing and
given to the parties.

**SECTION 63.** 48.33 (2) of the statutes is amended to read:

48.33 (2) **HOME PLACEMENT REPORTS.** A report recommending that the child
remain in his or her home or that the expectant [mother parent] remain in his or her
home may be presented orally at the dispositional hearing if all parties consent. A
report that is presented orally shall be transcribed and made a part of the court
record.

**SECTION 64.** 48.33 (4) (intro.) of the statutes is amended to read:

48.33 (4) **OTHER OUT-OF-HOME PLACEMENTS.** (intro.) A report recommending
placement of an adult expectant [mother parent] outside of her the expectant parent's
home shall be in writing. A report recommending placement of a child in a foster
home, group home, or residential care center for children and youth, in the home of
a relative other than a parent, in the home of a guardian under s. 48.977 (2), or in
a supervised independent living arrangement shall be in writing and shall include
all of the following:

**SECTION 65.** 48.345 (intro.) of the statutes is amended to read:

48.345 **Disposition of child or unborn child of child expectant mother
parent** adjudged in need of protection or services. (intro.) If the judge finds
that the child is in need of protection or services or that the unborn child of a child
expectant mother parent is in need of protection or services, the judge shall enter an
order deciding one or more of the dispositions of the case as provided in this section
under a care and treatment plan, except that the order may not place any child not
specifically found under chs. 46, 49, 51, 54, or 115 to be developmentally disabled,
mentally ill, or to have a disability specified in s. 115.76 (5) in facilities that
exclusively treat those categories of children, and the court may not place any child
expectant mother parent of an unborn child in need of protection or services outside
of the child expectant mother's parent's home unless the court finds that the child
expectant mother parent is refusing or has refused to accept any alcohol or other drug
abuse services offered to her or is not making or has not made a good faith effort to
participate in any alcohol or other drug abuse services offered to her. The
dispositions under this section are as follows:

**SECTION 66.** 48.345 (14) (a) of the statutes is amended to read:

48.345 (14) (a) If, based on an evaluation under s. 48.295 and the report under
s. 48.33, the judge finds that the child expectant mother parent of an unborn child
in need of protection or services is in need of inpatient treatment for her a habitual
lack of self-control in the use of alcohol, controlled substances or controlled
substance analogs, exhibited to a severe degree, that inpatient treatment is
appropriate for the child expectant mother's parent's needs and that inpatient
treatment is the least restrictive treatment consistent with the child expectant
mother's parent's needs, the judge may order the child expectant mother parent to
enter an inpatient alcohol or other drug abuse treatment program at an inpatient
facility, as defined in s. 51.01 (10). The inpatient facility shall, under the terms of
a service agreement between the inpatient facility and the county in a county having
a population of less than 750,000 or the department in a county having a population
of 750,000 or more, or with the written and informed consent of the child expectant
mother parent or the child expectant mother's parent's parent if the child expectant
mother parent has not attained the age of 12, report to the agency primarily
responsible for providing services to the child expectant mother parent as to whether
the child expectant mother parent is cooperating with the treatment and whether the
treatment appears to be effective.

SECTION 67. 48.347 (intro.) of the statutes is amended to read:

48.347 Disposition of unborn child of adult expectant mother parent
adjudged in need of protection or services. (intro.) If the judge finds that the
unborn child of an adult expectant mother parent is in need of protection or services,
the judge shall enter an order deciding one or more of the dispositions of the case as
provided in this section under a care and treatment plan, except that the order may
not place any adult expectant mother parent of an unborn child not specifically found
under ch. 51, 54, or 55 to be developmentally disabled or mentally ill in a facility that
exclusively treats those categories of individuals, and the court may not place any
adult expectant mother parent of an unborn child in need of protection or services
outside of the adult expectant mother's parent's home unless the court finds that the
adult expectant mother parent is refusing or has refused to accept any alcohol or
other drug abuse services offered to her or is not making or has not made a good faith
effort to participate in any alcohol or other drug abuse services offered to her. If the
judge finds that the unborn child of a child expectant mother parent is in need of
protection or services, the judge shall enter an order deciding one or more of the
dispositions of the case as provided in s. 48.345 under a care and treatment plan. The
dispositions under this section are as follows:
SECTION 68. 48.347 (6) (a) of the statutes is amended to read:

48.347 (6) (a) If, based on an evaluation under s. 48.295 and the report under s. 48.33, the judge finds that the adult expectant mother parent is in need of inpatient treatment for her a habitual lack of self-control in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the adult expectant mother’s parent’s needs and that inpatient treatment is the least restrictive treatment consistent with the adult expectant mother’s parent’s needs, the judge may order the adult expectant mother parent to enter an inpatient alcohol or other drug abuse treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service agreement between the inpatient facility and the county in a county having a population of less than 750,000 or the department in a county having a population of 750,000 or more, or with the written and informed consent of the adult expectant mother parent, report to the agency primarily responsible for providing services to the adult expectant mother parent as to whether the adult expectant mother parent is cooperating with the treatment and whether the treatment appears to be effective.

SECTION 69. 48.355 (1) of the statutes is amended to read:

48.355 (1) INTENT. In any order under s. 48.345 or 48.347 the judge shall decide on a placement and treatment finding based on evidence submitted to the judge. The disposition shall employ those means necessary to maintain and protect the well-being of the child or unborn child which are the least restrictive of the rights of the parent and child, of the rights of the parent and child expectant mother parent or of the rights of the adult expectant mother parent, and which assure the care, treatment or rehabilitation of the child and the family, of the child expectant mother parent.
parent, the unborn child and the family or of the adult expectant mother parent and
the unborn child, consistent with the protection of the public. When appropriate,
and, in cases of child abuse or neglect or unborn child abuse, when it is consistent
with the best interest of the child or unborn child in terms of physical safety and
physical health, the family unit shall be preserved and there shall be a policy of
transferring custody of a child from the parent or of placing an expectant mother
parent outside of her the expectant parent's home only when there is no less drastic
alternative. If there is no less drastic alternative for a child than transferring
custody from the parent, the judge shall consider transferring custody to a relative
whenever possible.

SECTION 70. 48.355 (2) (b) 2m. of the statutes is amended to read:

48.355 (2) (b) 2m. If the adult expectant mother parent is placed outside her
the expectant parent’s home, the name of the place or facility, including transitional
placements, where the expectant mother parent shall be treated.

SECTION 71. 48.355 (4g) (a) 1. of the statutes is amended to read:

48.355 (4g) (a) 1. The child's parents are parties to a pending action for divorce,
annulment, or legal separation, a man person determined under s. 48.299 (6) (e) 4.
to be the biological father parent of the child for purposes of a proceeding under this
chapter is a party to a pending action to determine paternity parentage of the child
under ch. 767, or the child is the subject of a pending independent action under s.
767.41 or 767.43 to determine legal custody of the child or visitation rights with
respect to the child.

SECTION 72. 48.356 (1) of the statutes is amended to read:

48.356 (1) Whenever the court orders a child to be placed outside his or her of
the child's home, orders an expectant mother parent of an unborn child to be placed
outside of the expectant parent's home, or denies a parent visitation because the child or unborn child has been adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357, 48.363, or 48.365 and whenever the court reviews a permanency plan under s. 48.38 (5m), the court shall orally inform the parent or parents who appear in court or the expectant mother parent who appears in court of any grounds for termination of parental rights under s. 48.415 which may be applicable and of the conditions necessary for the child or expectant mother parent to be returned to the home or for the parent to be granted visitation.

**SECTION 73.** 48.357 (1) (am) 2. b. of the statutes is amended to read:

48.357 (1) (am) 2. b. By the child expectant mother parent, if 12 years of age or over, her the child expectant parent's parent, guardian, legal custodian, or Indian custodian, the unborn child's guardian ad litem, and the child expectant mother's parent's tribe, if she the child expectant parent is an Indian child who has been removed from the home of her a parent or Indian custodian.

**SECTION 74.** 48.357 (5r) of the statutes is amended to read:

48.357 (5r) *Expectant Mother Parent; Placement Outside the Home.* The court may not change the placement of an expectant mother parent of an unborn child in need of protection or services from a placement in the expectant mother's parent's home to a placement outside of the expectant mother's parent's home unless the court finds that the expectant mother parent is refusing or has refused to accept any alcohol or other drug abuse services offered to her or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services offered to her.

**SECTION 75.** 48.361 (2) (a) 1m. of the statutes is amended to read:
48.361 (2) (a) 1m. If an adult expectant mother parent neglects, refuses or is unable to obtain court-ordered alcohol and other drug abuse services for herself through her health insurance or other 3rd-party payments, the judge may order the adult expectant mother parent to pay for the court-ordered alcohol and drug abuse services. If the adult expectant mother parent consents to obtain court-ordered alcohol and other drug abuse services for herself through her health insurance or other 3rd-party payments but the health insurance provider or other 3rd-party payer refuses to provide the court-ordered alcohol and other drug abuse services, the court may order the health insurance provider or 3rd-party payer to pay for the court-ordered alcohol and other drug abuse services in accordance with the terms of the adult expectant mother's parent's health insurance policy or other 3rd-party payment plan.

SECTION 76. 48.362 (3m) of the statutes is amended to read:

48.362 (3m) If an adult expectant mother parent neglects, refuses or is unable to obtain court-ordered special treatment or care for herself through her health insurance or other 3rd-party payments, the judge may order the adult expectant mother parent to pay for the court-ordered special treatment or care. If the adult expectant mother parent consents to obtain court-ordered special treatment or care for herself through her health insurance or other 3rd-party payments but the health insurance provider or other 3rd-party payer refuses to provide the court-ordered special treatment or care, the judge may order the health insurance provider or 3rd-party payer to pay for the court-ordered special treatment or care in accordance with the terms of the adult expectant mother's parent's health insurance policy or other 3rd-party payment plan.

SECTION 77. 48.41 (2) (c) of the statutes is amended to read:
48.41 (2) (c) A person who may be, but who has not been adjudicated as, the father parent of a nonmarital child may consent to the termination of any parental rights that he the person may have as provided in par. (a) or (b) or by signing a written, notarized statement which recites that he the person has been informed of and understands the effect of an order to terminate parental rights and that he the person voluntarily disclaims any rights that he the person may have to the child, including the right to notice of proceedings under this subchapter.

SECTION 78. 48.415 (6) (b) of the statutes is amended to read:

48.415 (6) (b) In this subsection, “substantial parental relationship” means the acceptance and exercise of significant responsibility for the daily supervision, education, protection and care of the child. In evaluating whether the person has had a substantial parental relationship with the child, the court may consider such factors, including, but not limited to, whether the person has expressed concern for or interest in the support, care or well-being of the child, whether the person has neglected or refused to provide care or support for the child and whether, with respect to a person who is or may be the father parent of the child, the person has expressed concern for or interest in the support, care or well-being during pregnancy of the mother during her pregnancy person who gave birth to the child.

SECTION 79. 48.415 (9) (a) and (b) of the statutes are amended to read:

48.415 (9) (a) Parenthood as a result of sexual assault, which shall be established by proving that the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025, or 948.085. Conception as a result of sexual assault as specified in this paragraph may be proved by a final judgment of conviction or other evidence produced at a fact-finding hearing under s. 48.424 indicating that the person who may be the father parent of the child
committed, during a possible time of conception, a sexual assault as specified in this paragraph against the mother of person who gave birth to the child.

(b) If the conviction or other evidence specified in par. (a) indicates that the child was conceived as a result of a sexual assault in violation of s. 948.02 (1) or (2) or 948.085, the mother of person who gave birth to the child may be heard on her the person’s desire for the termination of the father’s other parent’s parental rights.

SECTION 80. 48.42 (1g) of the statutes is amended to read:

48.42 (1g) AFFIDAVIT. (a) Except as provided in par. (c), if the petition is filed by a person or agency other than the district attorney, corporation counsel, or other appropriate official under s. 48.09; if the petition seeks to terminate the parental rights of a person who may be the father parent of a nonmarital child who is under one year of age at the time the petition is filed, who is not adopted or whose parents do not subsequently intermarry under s. 767.803, and whose paternity parentage has not been established; and if the mother of person who gave birth to the child has voluntarily consented to or seeks to voluntarily consent to the termination of her parental rights to the child, the petitioner may file with the petition an affidavit signed by the mother person who gave birth to the child that includes all of the following:

1. A statement that the mother person who gave birth to the child has voluntarily consented to or seeks to voluntarily consent to the termination of her parental rights to the child.

2. A statement acknowledging that the mother person who gave birth to the child has been asked to identify the father other natural parent of the child.

3. A statement that the mother person who gave birth to the child knows and is identifying the father other natural parent or that she the person who gave birth to the child does not know the identity of the father other natural parent.
4. A statement identifying any man person who has lived in a familial relationship with the child and who may be the father natural parent of the child.

5. If the mother person who gave birth to the child states that she knows and is identifying identifies the father other natural parent of the child under subd. 3. or 4., the father's other natural parent's name, age, and last-known mailing address, and the last-known mailing address of the father's other natural parent's employer.

6. If the mother person who gave birth to the child states that she does not know the identity of the father other natural parent of the child, an explanation of why she is unable to identify him identification is not possible and a physical description of the father other natural parent of the child.

7. A statement that the mother person who gave birth to the child has been informed and understands that if he or she misidentifies the father, other natural parent of the child, he or she is permanently barred from attacking the termination of the father's or her either parent's parental rights on the basis that the father other natural parent of the child was not correctly identified.

8. A statement that the mother person who gave birth to the child understands that she may be prosecuted under s. 946.32 (2) for false swearing if she makes making a false statement that he or she does not believe is true in the affidavit under this paragraph may result in prosecution under s. 946.32 (2) for false swearing.

9. A statement that the mother person who gave birth to the child has reviewed and understands the affidavit, the name of the person who explained the affidavit and the consequences of signing the affidavit to her the person who gave birth to the child, and a statement that the mother person who gave birth to the child is signing the affidavit voluntarily.
(b) The petitioner shall notify any man person identified in the affidavit under par. (a) as an alleged father parent of his the right to file a declaration of parental interest under s. 48.025 before the birth of the child, within 14 days after the birth of the child, or within 21 days after the date on which the notice is mailed, whichever is later; of the birth date or anticipated birth date of the child; and of the consequences of filing or not filing a declaration of parental interest. The petitioner shall include with the notice a copy of the form required to file a declaration of parental interest under s. 48.025. The notice shall be sent by certified mail to the last-known address of the alleged father parent.

(c) If an affidavit under par. (a) is not filed with the petition, notice shall be given to an alleged father parent under sub. (2).

SECTION 81. 48.42 (2) (b) 1. of the statutes is amended to read:

48.42 (2) (b) 1. A person who has filed an unrevoked declaration of parental interest under s. 48.025 before the birth of the child or within 14 days after the birth of the child.

SECTION 82. 48.42 (2) (b) 2. of the statutes is amended to read:

48.42 (2) (b) 2. Any person or persons alleged to the court to be the father parent of the child or who may, based upon the statements of the mother person who gave birth to the child or other information presented to the court, be the father parent of the child unless that person has waived the right to notice under s. 48.41 (2) (c).

SECTION 83. 48.42 (2) (bm) 1. of the statutes is amended to read:

48.42 (2) (bm) 1. A person who has filed an unrevoked declaration of parental interest under s. 48.025 before the birth of the child, within 14 days after
the birth of the child, or within 21 days after a notice under sub. (1g) (b) is mailed, whichever is later.

**SECTION 84.** 48.42 (2m) (b) of the statutes is amended to read:

48.42 (2m) (b) *Parent of nonmarital child.* A person who may be the father parent of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803 and whose paternity parentage has not been established, by virtue of the fact that he the person has engaged in sexual intercourse with the mother of person who gave birth to the child, is considered to be on notice that a pregnancy and a termination of parental rights proceeding concerning the child may occur, and has the duty to protect his or her own rights and interests. He A person described in this paragraph is therefore entitled to actual notice of such a proceeding only as provided in sub. (2) (b) or (bm). A person who is not entitled to notice under sub. (2) (b) or (bm) does not have standing to appear and contest a petition for the termination of his the person's parental rights, present evidence relevant to the issue of disposition, or make alternative dispositional recommendations.

**SECTION 85.** 48.42 (4) (b) 5. of the statutes is amended to read:

48.42 (4) (b) 5. The notice shall not include the name of the mother person who gave birth to the child unless the mother person who gave birth to the child consents. The notice shall not include the name of the child unless the court finds that inclusion of the child's name is essential to give effective notice to the father a parent.

**SECTION 86.** 48.422 (6) (a) of the statutes is amended to read:

48.422 (6) (a) In the case of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803 and for whom paternity parentage has not been established, or for whom a declaration of the father a parent
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interest has not been filed under s. 48.025 within 14 days after the date of birth of
the child or, if s. 48.42 (1g) (b) applies, within 21 days after the date on which the
notice under s. 48.42 (1g) (b) is mailed, the court shall hear testimony concerning the
paternity parentage of the child. Based on the testimony, the court shall determine
whether all interested parties who are known have been notified under s. 48.42 (2)
and (2g) (ag). If not, the court shall adjourn the hearing and order appropriate notice
to be given.

SECTION 87. 48.422 (7) (bm) of the statutes is amended to read:

48.422 (7) (bm) Establish whether a proposed adoptive parent of the child has
been identified. If a proposed adoptive parent of the child has been identified and
the proposed adoptive parent is not a relative of the child, the court shall order the
petitioner to submit a report to the court containing the information specified in s.
48.913 (7). The court shall review the report to determine whether any payments or
agreement to make payments set forth in the report are coercive to the birth parent
of the child or to an alleged to or presumed father parent of the child or are
impermissible under s. 48.913 (4). Making any payment to or on behalf of the any
birth parent of the child, an alleged or presumed father parent of the child, or the
child conditional in any part upon transfer or surrender of the child or the
termination of parental rights or the finalization of the adoption creates a rebuttable
presumption of coercion. Upon a finding of coercion, the court shall dismiss the
petition or amend the agreement to delete any coercive conditions, if the parties
agree to the amendment. Upon a finding that payments which that are
impermissible under s. 48.913 (4) have been made, the court may dismiss the petition
and may refer the matter to the district attorney for prosecution under s. 948.24 (1).
This paragraph does not apply if the petition was filed with a petition for adoptive placement under s. 48.837 (2).

**SECTION 88.** 48.422 (7) (br) of the statutes is amended to read:

48.422 (7) (br) Establish whether any person has coerced a birth parent or any alleged or presumed father parent of the child in violation of s. 48.63 (3) (b) 5. Upon a finding of coercion, the court shall dismiss the petition.

**SECTION 89.** 48.423 (1) and (2) of the statutes are amended to read:

48.423 (1) Rights to paternity parentage determination. If a person appears at the hearing and claims that he is to be the father parent of the child, the court shall set a date for a hearing on the issue of paternity parentage or, if all parties agree, the court may immediately commence hearing testimony concerning the issue of paternity parentage. The court shall inform the person claiming to be the father parent of the child of any right to counsel under s. 48.23. The person claiming to be the father parent of the child must prove paternity parentage by clear and convincing evidence. A person who establishes his paternity parentage of the child under this section may further participate in the termination of parental rights proceeding only if the person meets the conditions specified in sub. (2) or meets a condition specified in s. 48.42 (2) (b) or (bm).

(2) Rights of out-of-state fathers parents. A person who may be the father parent of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803 and whose paternity parentage has not been established may contest the petition, present evidence relevant to the issue of disposition, and make alternative dispositional recommendations if the person appears at the hearing, establishes paternity parentage under sub. (1), and proves all of the following by a preponderance of the evidence:
(a) That the person resides and has resided in another state where the mother of person who gave birth to the child resided or was located at the time of or after the conception of the child.

(b) That the mother person who gave birth to the child left that state without notifying or informing that person that he or she could be located in this state.

(c) That the person attempted to locate the mother person who gave birth to the child through every reasonable means, but did not know or have reason to know that the mother person who gave birth to the child was residing or located in this state.

(d) That the person has complied with the requirements of the state where the mother person who gave birth to the child previously resided or was located to protect and preserve his paternal parental interests in matters affecting the child.

**SECTION 90.** 48.43 (6) (b) of the statutes is amended to read:

48.43 (6) (b) The mother of person who gave birth to a child who completes an affidavit under s. 48.42 (1g) may not collaterally attack a judgment terminating parental rights on the basis that the father other parent of the child was not correctly identified.

**SECTION 91.** 48.432 (1) (am) 1. of the statutes is amended to read:

48.432 (1) (am) 1. The mother person who gave birth to the child designated on the individual’s or adoptee’s original birth record.

**SECTION 92.** 48.432 (1) (am) 2. b. of the statutes is amended to read:

48.432 (1) (am) 2. b. If there is no adjudicated father parent, the husband spouse of the mother person who gave birth to the child at the time the individual or adoptee is conceived or born, or when the parents intermarry under s. 767.803.

**SECTION 93.** 48.435 of the statutes is amended to read:
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**SECTION 93.** 48.435 Custody of children. The mother of person who gave birth to a nonmarital child has legal custody of the child unless the court grants legal custody to another person or transfers legal custody to an agency.

**SECTION 94.** 48.63 (3) (b) 4. of the statutes is amended to read:

48.63 (3) (b) 4. Before a child may be placed under subd. 1., the department, county department, or child welfare agency making the placement and the proposed adoptive parent or parents shall enter into a written agreement that specifies who is financially responsible for the cost of providing care for the child prior to the finalization of the adoption and for the cost of returning the child to the parent who has custody of the child if the adoption is not finalized. Under the agreement, the department, county department, or child welfare agency or the proposed adoptive parent or parents, but not the any birth parent of the child or any alleged or presumed father parent of the child, shall be financially responsible for those costs.

**SECTION 95.** 48.63 (3) (b) 5. of the statutes is amended to read:

48.63 (3) (b) 5. Prior to termination of parental rights to the child, no person may coerce a birth parent of the child or any alleged or presumed father parent of the child into refraining from exercising his or her right to withdraw consent to the transfer or surrender of the child or to termination of his or her parental rights to the child, to have reasonable visitation or contact with the child, or to otherwise exercise his or her parental rights to the child.

**SECTION 96.** 48.82 (1) (a) of the statutes is amended to read:

48.82 (1) (a) A husband and wife Spouses jointly, or either the husband or wife if the other spouse is of a parent of the minor.

**SECTION 97.** 48.837 (1r) (d) of the statutes is amended to read:
48.837 (1r) (d) Before a child may be placed under par. (a), the department, county department, or child welfare agency making the placement and the proposed adoptive parent or parents shall enter into a written agreement that specifies who is financially responsible for the cost of providing care for the child prior to the finalization of the adoption and for the cost of returning the child to the parent who has custody of the child if the adoption is not finalized. Under the agreement, the department, county department, or child welfare agency or the proposed adoptive parent or parents, but not the any birth parent of the child or any alleged or presumed father parent of the child, shall be financially responsible for those costs.

SECTION 98. 48.837 (1r) (e) of the statutes is amended to read:

48.837 (1r) (e) Prior to termination of parental rights to the child, no person may coerce a birth parent of the child or any alleged or presumed father parent of the child into refraining from exercising his or her right to withdraw consent to the transfer or surrender of the child or to termination of his or her parental rights to the child, to have reasonable visitation or contact with the child, or to otherwise exercise his or her parental rights to the child.

SECTION 99. 48.837 (6) (b) of the statutes is amended to read:

48.837 (6) (b) At the beginning of the hearing held under sub. (2), the court shall review the report that is submitted under s. 48.913 (6). The court shall determine whether any payments or the conditions specified in any agreement to make payments are coercive to the any birth parent of the child or to an alleged or presumed father parent of the child or are impermissible under s. 48.913 (4). Making any payment to or on behalf of the a birth parent of the child, an alleged or presumed father parent of the child, or the child conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the
adoption creates a rebuttable presumption of coercion. Upon a finding of coercion, the court shall dismiss the petitions under subs. (2) and (3) or amend the agreement to delete any coercive conditions, if the parties agree to the amendment. Upon a finding that payments which are impermissible under s. 48.913 (4) have been made, the court may dismiss the petition and may refer the matter to the district attorney for prosecution under s. 948.24 (1).

Section 100. 48.837 (6) (br) of the statutes is amended to read:

48.837 (6) (br) At the hearing on the petition under sub. (2), the court shall determine whether any person has coerced a birth parent or any alleged or presumed father parent of the child in violation of sub. (1r) (e). Upon a finding of coercion, the court shall dismiss the petitions under subs. (2) and (3).

Section 101. 48.837 (8) of the statutes is amended to read:

48.837 (8) Attorney representation. The same attorney may not represent the adoptive parents and the a birth mother or birth father parent.

Section 102. 48.913 (1) (a) of the statutes is amended to read:

48.913 (1) (a) Preadoptive counseling for a birth parent of the child or an alleged or presumed father parent of the child.

Section 103. 48.913 (1) (b) of the statutes is amended to read:

48.913 (1) (b) Post-adoptive counseling for a birth parent of the child or an alleged or presumed father parent of the child.

Section 104. 48.913 (1) (c) of the statutes is amended to read:

48.913 (1) (c) Maternity clothes Clothes to wear during pregnancy for the child’s birth mother person who is pregnant with the child, in an amount not to exceed $300.

Section 105. 48.913 (1) (f) of the statutes is amended to read:
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48.913 (1) (f) Medical and hospital care received by the child's birth mother person who gives birth to the child in connection with the pregnancy or birth of the child. Medical and hospital care does not include lost wages or living expenses.

SECTION 106. 48.913 (1) (i) of the statutes is amended to read:

48.913 (1) (i) Living expenses of the child's birth mother person who gives birth to the child, in an amount not to exceed $5,000, if payment of the expenses by the proposed adoptive parents or a person acting on their behalf is necessary to protect the health and welfare of the birth mother person who gives birth to the child or the fetus.

SECTION 107. 48.913 (1) (m) of the statutes is amended to read:

48.913 (1) (m) A gift to the child's birth mother person who gives birth to the child from the proposed adoptive parents, of no greater than $100 in value.

SECTION 108. 48.913 (2) (intro.) of the statutes is amended to read:

48.913 (2) PAYMENT OF EXPENSES WHEN BIRTH PARENT IS RESIDING IN ANOTHER STATE. (intro.) Notwithstanding sub. (1), the proposed adoptive parents of a child or a person acting on behalf of the proposed adoptive parents of a child may pay for an expense of a birth parent of the child or an alleged or presumed father parent of the child if the birth parent or the alleged or presumed father parent was residing in another state when the payment was made and when the expense was incurred and if all of the following apply:

SECTION 109. 48.913 (2) (b) of the statutes is amended to read:

48.913 (2) (b) The state in which the birth parent or the alleged or presumed father parent was residing when the payment was made permits the payment of that expense by the proposed adoptive parents of the child.

SECTION 110. 48.913 (2) (c) (intro.) of the statutes is amended to read:
48.913 (2) (c) (intro.) A listing of all payments made under this subsection, a copy of the statutory provisions of the state in which the birth parent or the alleged or presumed father parent was residing when the payments were made that permit those payments to be made by the proposed adoptive parents of the child, and a copy of all orders entered in the state in which the birth parent or the alleged or presumed father parent was residing when the payments were made that relate to the payment of expenses of the birth parent or the alleged or presumed father parent by the proposed adoptive parents of the child is submitted to the court as follows:

SECTION 111. 48.913 (3) of the statutes is amended to read:

48.913 (3) METHOD OF PAYMENT. Any payment under sub. (1) or (2) shall be made directly to the provider of a good or service except that a payment under sub. (1) or (2) may be made to a birth parent of the child or to an alleged or presumed father parent of the child as reimbursement of an amount previously paid by the birth parent or the alleged or presumed father parent if documentation is provided showing that the birth parent or alleged or presumed father parent has made the previous payment.

SECTION 112. 48.9795 (1) (a) 1. c. and (b) of the statutes are amended to read:

48.9795 (1) (a) 1. c. Any person who has filed a declaration of paternal parental interest under s. 48.025, who is alleged to the court to be the father a parent of the child, or who may, based on the statements of the mother parent who gave birth to the child or other information presented to the court, be the father parent of the child.

(b) “Party” means the person petitioning for the appointment of a guardian for a child or any interested person other than a person who is alleged to the court to be the father a parent of the child or who may, based on the statements of the mother.
parent who gave birth to the child or other information presented to the court, be the
father parent of the child.

SECTION 113. 48.9795 (4) (e) 3. of the statutes is amended to read:

48.9795 (4) (e) 3. If a man person who has been given notice under par. (c) 1. appears at the initial hearing, alleges that he is the father to be a parent of the child, and states that he wishes requests to establish the paternity parentage of the child, s. 48.299 (6) applies. The court may order a temporary guardianship under sub. (5) pending the outcome of the paternity parentage proceedings.

SECTION 114. 49.141 (1) (i) 3. of the statutes is amended to read:

49.141 (1) (i) 3. A parent person who has been conclusively determined from genetic test results to be the father parent under s. 767.804.

SECTION 115. 49.141 (1) (j) 1. of the statutes is amended to read:

49.141 (1) (j) 1. A biological natural parent.

SECTION 116. 49.141 (1) (j) 2. of the statutes is amended to read:

49.141 (1) (j) 2. A person who has consented to the artificial insemination of his wife a spouse under s. 891.40.

SECTION 117. 49.141 (1) (j) 4. of the statutes is amended to read:

49.141 (1) (j) 4. A man person adjudged in a judicial proceeding to be the biological father natural parent of a child if the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803.

SECTION 118. 49.141 (1) (j) 5. of the statutes is amended to read:

49.141 (1) (j) 5. A man person who has signed and filed with the state registrar under s. 69.15 (3) (b) 3. a statement acknowledging paternity parentage.

SECTION 119. 49.141 (1) (j) 6. of the statutes is amended to read:
49.141 (1) (j) 6. A man person who has been conclusively determined from genetic test results to be the father parent under s. 767.804.

SECTION 120. 49.148 (1m) (title) of the statutes is amended to read:

49.148 (1m) (title)  CUSTODIAL PARENT OF INFANT; UNMARRIED, PREGNANT WOMAN PERSON.

SECTION 121. 49.148 (1m) (a) 2. of the statutes is amended to read:

49.148 (1m) (a) 2. An unmarried woman person who would be eligible under s. 49.145 except that he or she is not a custodial parent of a dependent child and who is in the 3rd trimester of a pregnancy that is medically verified and that is shown by medical documentation to be at risk and to render the woman person unable to participate in the workforce.

SECTION 122. 49.148 (1m) (c) 2. of the statutes is amended to read:

49.148 (1m) (c) 2. Receipt of a grant under this subsection by a participant under par. (a) 1. constitutes participation in a Wisconsin Works employment position if the child is born to the participant more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin Works employment position unless the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother person who gave birth to the child did not indicate a freely given agreement to have sexual intercourse or in violation of s. 948.02 or 948.025 or as a result of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a physician and to law enforcement authorities.

SECTION 123. 49.155 (1m) (c) 1g. of the statutes is amended to read:

49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized guardian or interim caretaker of the child under s. 48.623, the child's biological
natural or adoptive family has a gross income that is at or below 200 percent of the poverty line. In calculating the gross income of the child’s biological natural or adoptive family, the department or county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual, if those support payments exceed $1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

SECTION 124. 49.155 (1m) (c) 1h. of the statutes is amended to read:

49.155 (1m) (c) 1h. If the individual is a relative of the child, is providing care for the child under a court order, and is receiving payments under s. 48.57 (3m) or (3n) on behalf of the child, the child’s biological natural or adoptive family has a gross income that is at or below 200 percent of the poverty line. In calculating the gross income of the child’s biological natural or adoptive family, the department or county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual, if those support payments exceed $1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

SECTION 125. 49.162 (2m) (a) 2. of the statutes is amended to read:

49.162 (2m) (a) 2. A woman person who is in a pregnancy that is medically verified and that is shown by medical documentation to be at risk.

SECTION 126. 49.162 (2m) (b) 2. of the statutes is amended to read:

49.162 (2m) (b) 2. A woman person who is in a pregnancy that is medically verified and that is shown by medical documentation to be at risk.

SECTION 127. 49.163 (2) (am) 2. of the statutes is amended to read:

49.163 (2) (am) 2. If over 25 years of age, be a biological natural or adoptive parent of a child under 18 years of age whose parental rights to the child have not
been terminated or be a relative and primary caregiver of a child under 18 years of age.

**SECTION 128.** 49.19 (1) (a) 2. a. of the statutes is amended to read:

49.19 (1) (a) 2. a. Is living with a parent; a blood relative, including those of half-blood, and including first cousins, nephews or nieces and persons of preceding generations as denoted by prefixes of grand, great or great-great; a stepparent, stepparent, stepbrother, or stepsister; a person who legally adopts the child or is the adoptive parent of the child's parent, a natural or legally adopted child of such person or a relative of an adoptive parent; or a spouse of any person named in this subparagraph subd. 2. a. even if the marriage is terminated by death or divorce; and is living in a residence maintained by one or more of these relatives as the child's or their own home, or living in a residence maintained by one or more of these relatives as the child's or their own home because the parents of the child have been found unfit to have care and custody of the child; or

**SECTION 129.** 49.19 (4) (d) (intro.) of the statutes is amended to read:

49.19 (4) (d) (intro.) Aid may be granted to the spouse of a husband person who is incapacitated for gainful work by mental or physical disability; or

**SECTION 130.** 49.19 (4) (d) 1. of the statutes is amended to read:

49.19 (4) (d) 1. Is the spouse of a husband person who is incapacitated for gainful work by mental or physical disability; or

**SECTION 131.** 49.19 (4) (d) 2. of the statutes is amended to read:

49.19 (4) (d) 2. Is the spouse of a husband person who is incarcerated or who is a convicted offender permitted to live at home but precluded from earning a
wage because the husband person is required by a court imposed sentence to perform
unpaid public work or unpaid community service; or

**SECTION 132.** 49.19 (4) (d) 3. of the statutes is amended to read:

49.19 (4) (d) 3. Is the wife spouse of a husband person who has been committed
to the department pursuant to ch. 975, irrespective of the probable period of such
commitment; or

**SECTION 133.** 49.19 (4) (d) 4. of the statutes is amended to read:

49.19 (4) (d) 4. Is the wife spouse of a husband person who has continuously
abandoned or failed to support him or her, if proceedings have been commenced
against the husband person under ch. 769; or

**SECTION 134.** 49.19 (4) (d) 5. of the statutes is amended to read:

49.19 (4) (d) 5. Has been divorced and is without a husband spouse or legally
separated from his or her husband spouse and is unable through use of the provisions
of law to compel his or her former husband spouse to adequately support the child
for whom aid is sought; or

**SECTION 135.** 49.225 (2) of the statutes is amended to read:

49.225 (2) (a) A county child support agency under s. 59.53 (5) may require, by
subpoena in substantially the form authorized under s. 885.02 or by other means, a
child, the child’s mother person who gave birth to the child, and - a male alleged, or
alleging himself, to be the child’s father an alleged biological parent to submit to
genetic tests if there is probable cause to believe that the male alleged biological
parent had sexual intercourse with the child’s mother person who gave birth to the
child during a possible time of the child’s conception. Probable cause of sexual
intercourse during a possible time of conception may be established by a sufficient
affidavit of the child’s mother person who gave birth to the child, the male alleged,
or alleging himself, to be the child’s father alleged biological parent, or the county
child support agency under s. 59.53 (5) based on information provided by the child’s
mother person who gave birth to the child.

(b) If there is only one male alleged, or alleging himself, to be the father
biological parent and one or more persons required to submit to genetic tests under
par. (a) fail to appear for the scheduled tests, the county child support agency under
s. 59.53 (5) may bring an action under s. 767.80 for determining the paternity
parentage of the child.

SECTION 136. 49.225 (3) (a) of the statutes is amended to read:

49.225 (3) (a) The county may seek reimbursement from either the mother or
male alleged, or alleging himself, to be the father person who gave birth to the child
or the alleged biological parent, or from both, if the test results show that the male
alleged biological parent is not excluded as the father biological parent and that the
statistical probability of the male’s alleged biological parent’s parentage is 99.0
percent or higher.

SECTION 137. 49.26 (1) (g) 11. of the statutes is amended to read:

49.26 (1) (g) 11. If the individual is the mother of gave birth to a child, a
physician has not determined that the individual should delay her return returning
to school after giving birth.

SECTION 138. 49.345 (2) of the statutes is amended to read:

49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a
person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183,
938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance,
services, and supplies provided by any institution in this state, in which the state is
chargeable with all or part of the person’s care, maintenance, services, and supplies,
and the person’s property and estate, including the homestead, and the spouse of the
person, and the spouse’s property and estate, including the homestead, and, in the
case of a minor child, the parents of the person, and their property and estates,
including their homestead, and, in the case of a foreign child described in s. 48.839
(1) who became dependent on public funds for his or her primary support before an
ing order granting his or her adoption, the resident of this state appointed guardian of
the child by a foreign court who brought the child into this state for the purpose of
adoption, and his or her property and estate, including his or her homestead, shall
be liable for the cost of the care, maintenance, services, and supplies in accordance
with the fee schedule established by the department under s. 49.32 (1). If a spouse,
widow surviving spouse, or minor, or an incapacitated person may be lawfully
dependent upon the property for his or her support, the court shall release all or such
part of the property and estate from the charges that may be necessary to provide for
the person. The department shall make every reasonable effort to notify the liable
persons as soon as possible after the beginning of the maintenance, but the notice or
the receipt of the notice is not a condition of liability.

SECTION 139. 49.43 (12) of the statutes is amended to read:

49.43 (12) “Spouse” means the legal husband or wife of the person to whom the
beneficiary is legally married, whether or not the person is eligible for medical
assistance.

SECTION 140. 49.463 (3) (b) 2. a. of the statutes is amended to read:

49.463 (3) (b) 2. a. Alleged to be the father parent in a parentage action under
s. 767.80 of a child under the age of 18.

SECTION 141. 49.471 (1) (b) 2. of the statutes is amended to read:

49.471 (1) (b) 2. A stepfather, stepmother stepparent, stepbrother, or stepsister.
SECTION 142. 49.79 (6q) (b) 2. a. of the statutes is amended to read:

49.79 (6q) (b) 2. a. Alleged to be the father parent in a parentage action under s. 767.80 of a child under the age of 18.

SECTION 143. 49.90 (4) of the statutes is amended to read:

49.90 (4) The circuit court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from these relatives, if they have sufficient ability, considering their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age, in the following order: First the husband or wife spouse; then the father and the mother parents; and then the grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify a sum which will be sufficient for the support of the dependent person under sub. (1) (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be paid weekly or monthly, during a period fixed by the order or until the further order of the court. If the court is satisfied that any such relative is unable wholly to maintain the dependent person or the child, but is able to contribute to the person's support or the child's maintenance, the court may direct 2 or more of the relatives to maintain the person or the child and prescribe the proportion each shall contribute. If the court is satisfied that these relatives are unable together wholly to maintain the dependent person or the child, but are able to contribute to the person's support or the child's maintenance, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department of health services or the department of children and families, whichever is appropriate, and distributed as required by state and federal law. An order under this subsection that
relates to maintenance required under sub. (1) (a) 2. shall specifically assign
responsibility for and direct the manner of payment of the child’s health care
expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon application
of any party affected by the order and upon like notice and procedure, the court may
modify such an order. Obedience to such an order may be enforced by proceedings
for contempt.

SECTION 144. 51.13 (4) (h) 4. of the statutes is amended to read:
51.13 (4) (h) 4. If there is a reason to believe the minor is in need of protection
or services under s. 48.13 or 938.13 or the minor is an expectant mother of pregnant
with an unborn child in need of protection or services under s. 48.133, dismiss the
petition and authorize the filing of a petition under s. 48.25 (3) or 938.25 (3). The
court may release the minor or may order that the minor be taken and held in custody
under s. 48.19 (1) (c) or (cm) or 938.19 (1) (c).

SECTION 145. 54.01 (36) (a) of the statutes is amended to read:
54.01 (36) (a) An individual who obtains or consents to a final decree or
judgment of divorce from the decedent or an annulment of their marriage, if the
decree or judgment is not recognized as valid in this state, unless the 2 subsequently
participated in a marriage ceremony purporting to marry each other or they
subsequently held themselves out as husband and wife married to each other.

SECTION 146. 54.960 (1) of the statutes is amended to read:
54.960 (1) Beneficial interests in a custodial trust created for multiple
beneficiaries are deemed to be separate custodial trusts of equal undivided interests
for each beneficiary. Except in a transfer or declaration for use and benefit of
husband and wife 2 individuals who are married to each other, for whom
survivorship is presumed, a right of survivorship does not exist unless the
instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to marital property.

**SECTION 147.** 69.03 (14) of the statutes is amended to read:

69.03 (14) Provide hospitals with a pamphlet containing information for parents about birth records, including how to add the name of the father other parent of a child whose parents were not married at any time from the conception to the birth of the child to the birth record under s. 69.15 (3) (b) or, if the father other parent will not sign an affidavit, through a paternity parentage action; the legal significance and future medical advantages to the child of having the father’s other parent’s name inserted on the birth record; and the availability of services under s. 49.22.

**SECTION 148.** 69.03 (15) of the statutes is amended to read:

69.03 (15) Periodically provide to each county child support agency under s. 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants who reside in that county for whom no father’s only one parent’s name has been inserted on the registrant’s birth record within 6 months of birth.

**SECTION 149.** 69.11 (4) (b) of the statutes is amended to read:

69.11 (4) (b) The state registrar may amend an item on a birth record that affects information about the name, sex, date of birth, place of birth, parent’s name, or parent's marital status of the mother if 365 days have elapsed since the occurrence of the event that is the subject of the birth record, if the amendment is at the request of a person with a direct and tangible interest in the record and is in the manner prescribed by the state registrar, and if the amendment is accompanied by 2 items of documentary evidence from early childhood that are sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment. A change in the marital status on the birth record may be made under
this paragraph only if the marital status is inconsistent with information concerning the father or husband that appears on the birth record. This paragraph may not be used to add to or delete from a birth record the name of a parent, to change the identity of a parent named on the birth record, or to effect a name change prohibited under s. 301.47.

**SECTION 150.** 69.12 (5) of the statutes is amended to read:

69.12 (5) A change in the marital status on the record of birth may be requested under this section only if the marital status is inconsistent with father or husband information appearing on the birth record. This section may not be used to add or delete the name of a parent on the record of birth or change the identity of either parent named on the birth record.

**SECTION 151.** 69.13 (intro.) of the statutes is amended to read:

69.13 **Correction of facts misrepresented by informant for record of birth.** (intro.) The state registrar may, under an order issued by the circuit court of the county in which a birth occurred, correct information about the parent or the marital status of the mother person who gave birth on a record of birth that is registered in this state if all of the following conditions apply:

**SECTION 152.** 69.13 (2) (b) 4. of the statutes is amended to read:

69.13 (2) (b) 4. If relevant to the correction sought, a certified copy of a marriage document, divorce or annulment record, or a final divorce decree that indicates that the mother person who gave birth to the child was not married to the person listed as his or her husband spouse at any time during the pregnancy, a legal name change order, or any other legal document that clarifies the disputed information.

**SECTION 153.** 69.14 (1) (c) 4. of the statutes is amended to read:
69.14 (1) (c) 4. In the absence of a person under subds. 1. to 3., the father or mother, parent’s spouse, or, in the absence of the father, the parent or parent’s spouse and the inability of the mother person who gave birth to the child, the person responsible for the premises where the birth occurs.

SECTION 154. 69.14 (1) (cm) of the statutes is amended to read:

69.14 (1) (cm) Information concerning paternity parentage. For a birth which occurs en route to or at a hospital, the filing party shall give the mother person who gave birth a copy of the pamphlet under s. 69.03 (14). If the child’s parents are not married at the time of the child’s birth, the filing party shall give the mother person who gave birth a copy of the form prescribed by the state registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained, designated hospital staff provide to the child’s available parents oral information or an audio or video presentation and written information about the form and the significance and benefits of, and alternatives to, establishing paternity parentage, before the parents sign the form. The filing party shall also provide an opportunity to complete the form and have the form notarized in the hospital. If the mother person who gave birth provides a completed form to the filing party while she the person is a patient in the hospital and within 5 days after the birth, the filing party shall send the form directly to the state registrar. The department of children and families shall pay the filing party a financial incentive for correctly filing a form within 60 days after the child’s birth.

SECTION 155. 69.14 (1) (e) of the statutes is amended to read:

69.14 (1) (e) Father’s Other parent’s name. 1. If the mother of person who gave birth to a registrant under this section was married at any time from the conception to the birth of the registrant, the name of the husband spouse of the mother person who gave birth shall be entered on the birth record as the a legal father parent of the
registrant. The name of the father parent entered under this subdivision may not be changed except by a proceeding under ch. 48 or 767.

2. If the mother person who gave birth was not married at any time from the conception to the birth of a registrant under this section, no name of any alleged father parent of the registrant may be entered as the father a parent on the birth record except as provided under s. 69.15 (3). If under this subdivision the name of the father a parent of the registrant of a birth record is omitted from the record, no other information about the father parent may be entered on the record.

SECTION 156. 69.14 (1) (f) 1. of the statutes is amended to read:

69.14 (1) (f) 1. a. Except as provided under subd. 1. b., if the mother of person who gave birth to a registrant of a birth record under this section is married to the father of the registrant at any time from the conception to the birth of the registrant, the given name and surname which that the mother and father parents of the registrant enter for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.

b. If the mother parents of a registrant of a birth record under this section is are married to the father of the registrant each other at any time from the conception to the birth of the registrant and the mother is are separated or divorced from the father of the registrant at the time of birth, the given name and surname which that the parent of the registrant with actual custody enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record, except that if a court has granted legal custody of the registrant, the given name and surname which that the person with legal custody enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.
c. If the mother of person who gave birth to a registrant of a birth record under this section is not married to the father of the registrant at any time from the conception to the birth of the registrant, the given name and surname which the mother of person who gave birth to the registrant enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record, except that if a court has granted legal custody of the registrant, the given name and surname which the person with legal custody enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.

SECTION 157. 69.14 (1) (g) of the statutes is amended to read:

69.14 (1) (g) Birth by artificial insemination. If the registrant of a birth record under this section is born as a result of artificial insemination under the requirements of s. 891.40, the husband spouse of the woman person inseminated shall be considered the father a parent of the registrant on the birth record. If the registrant is born as a result of artificial insemination which does not satisfy the requirements of s. 891.40, the information about the father of the registrant shall be omitted from the registrant’s birth record.

SECTION 158. 69.14 (1) (h) of the statutes is amended to read:

69.14 (1) (h) If the registrant of a birth record under this section is born to a surrogate mother, information about the surrogate mother shall be entered on the birth record and the information about the father a second parent shall be omitted from the birth record. If After a court determines parental rights over the registrant, the clerk of court shall report the court’s determination to the state registrar on a form prescribed by the state registrar, along with the fee required under s. 69.22. Upon receipt of the report, the state registrar shall prepare and register a new birth
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record for the registrant under s. 69.15 (6) and send notice of the new record to the
local registrar who filed the original record. Upon receipt of the notice, the local
registrar shall destroy his or her copy of the replaced record.

SECTION 159. 69.14 (2) (b) 2. c. and d. of the statutes are amended to read:

69.14 (2) (b) 2. c. The full maiden birth name of the mother person who gave
birth.

d. The full birth name of the father other parent of the registrant, except that
if the mother was parents were not married to each other at the time of conception
or birth or between conception and birth of the registrant, the name of the father
other parent may not be entered except as provided under s. 69.15 (3).

SECTION 160. 69.15 (1) of the statutes is amended to read:

69.15 (1) BIRTH RECORD INFORMATION CHANGES. The state registrar may change
information on a birth record registered in this state which was correct at the time
the birth record was filed under a court or administrative order issued in this state,
in another state or in Canada or under the valid order of a court of any federally
recognized Indian tribe, band, or nation if all of the following occur:

(a) The order provides for an adoption, name change, or name change with sex
change or establishes paternity, and parentage.

(b) A clerk of court or, for a paternity parentage action, a clerk of court or county
child support agency under s. 59.53 (5), sends the state registrar a certified report
of an order of a court in this state in the method prescribed by the state registrar or,
in the case of any other order, the state registrar receives a certified copy of the order
and the proper fee under s. 69.22.

SECTION 161. 69.15 (3) (title) of the statutes is repealed and recreated to read:

69.15 (3) (title) PARENTAGE.
SECTION 162. 69.15 (3) (a) (intro.), 1., 2. and 3. and (b) 1., 2., 3. and 4. (intro.), a. and b. of the statutes are amended to read:

69.15 (3) (a) (intro.) If the state registrar receives an order under sub. (1) that establishes paternity parentage or determines that the man a person whose name appears on a registrant's birth record is not the father a parent of the registrant, or a report under s. 767.804 (1) (c) that shows a conclusive determination of paternity parentage, the state registrar shall do the following, as appropriate:

1. Prepare under sub. (6) a new record omitting the father's parent's name if the order determines that the man person whose name appears on a registrant's birth record is not the father a parent of the registrant and if there is no other adjudicated father parent.

2. Prepare under sub. (6) a new record for the subject of a paternity parentage action changing the name of the father parent if the name of the adjudicated father is different than the name of the man parent does not appear on the birth record.

3. Except as provided under subd. 4., insert the name of the adjudicated or conclusively determined father parent on the original birth record if the name of the father that parent was omitted on the original record.

(b) 1. Except as provided under par. (c), if the state registrar receives a statement acknowledging paternity parentage in the manner prescribed by the state registrar and signed by both of the birth natural parents of a child determined to be a marital child under s. 767.803, a certified copy of the parents' marriage record, and the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the husband spouse of the person who gave birth from the marriage record as the father other parent if the name of the father the other parent was omitted on the
original birth record. The state registrar shall include for the acknowledgment the
items in s. 767.813 (5g).

2. Except as provided under par. (c), if the parent of a child determined to be
a marital child under s. 767.803 dies after his or her marriage and before the
statement acknowledging paternity parentage has been signed, the state registrar
shall insert the name of the father parent under subd. 1. upon receipt of a court order
determining that the husband spouse was the father parent of the child.

3. Except as provided under par. (c), if the state registrar receives a statement
acknowledging paternity parentage in the method prescribed by the state registrar
and signed by both parents, neither of whom was under the age of 18 years when the
form was signed, along with the fee under s. 69.22, the state registrar shall insert the
name of the father parent under subd. 1. The state registrar shall mark the record
to show that the acknowledgement is on file. The acknowledgement shall be
available to the department of children and families or a county child support agency
under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any
other person with a direct and tangible interest in the record. The state registrar
shall include on the acknowledgement the information in s. 767.805 and the items in
s. 767.813 (5g).

4. (intro.) If a registrant has not reached the age of 18 years and if any of the
following indicate, in a statement acknowledging paternity parentage under subd.
1. or 3., that the given name or surname, or both, of the registrant should be changed
on the birth record, the state registrar shall enter the name indicated on the birth
record without a court order:

a. The mother of the parent who gave birth to the registrant, except as provided
under subd. 4. b. and c.
b. The father of natural parent who did not give birth to the registrant if the father that parent has legal custody of the registrant.

SECTION 163. 69.15 (3) (b) 3m. of the statutes is created to read:

69.15 (3) (b) 3m. Except as provided in par. (c), if the state registrar receives an acknowledgement of parentage on a form prescribed by the state registrar and signed by both of the people presumed to be natural parents under s. 891.41 (1) (b), a certified copy of the parents’ marriage certificate, and the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the spouse of the person who gave birth from the marriage certificate as a parent if the name of that parent was omitted on the original birth certificate.

SECTION 164. 69.15 (3m) (title) of the statutes is amended to read:

69.15 (3m) (title) RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY

SECTION 165. 69.15 (3m) (a) 3. and (b) of the statutes are amended to read:

69.15 (3m) (a) 3. The person rescinding the statement files a rescission in the method prescribed under subd. 2. before the day on which a court or circuit court commissioner makes an order in an action affecting the family involving the man person who signed the statement and the child who is the subject of the statement or before 60 days elapse after the statement was filed, whichever occurs first.

(b) If the state registrar, within the time required under par. (a) 3., receives a rescission in the method prescribed by the state registrar, along with the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new record omitting the father’s parent’s name if it was inserted under sub. (3) (b).

SECTION 166. 69.18 (1) (e) 1. (intro.) of the statutes is amended to read:
69.18 (1) (e) 1. (intro.) If a death is a miscarriage and 20 weeks or more have elapsed between the mother's last normal menstrual period of the person who was pregnant and delivery or the stillbirth weighs 350 grams or more, one of the following shall submit, within 5 days after delivery, a fetal death report to the state registrar:

SECTION 167. 69.20 (2) (b) of the statutes is amended to read:

69.20 (2) (b) Except as provided under sub. (3), the state registrar and local registrars may not permit inspection of or disclose information contained in any record of a birth which occurred after September 30, 1907, if the mother of person who gave birth to the subject of the record was not married at any time from the conception to the birth of the subject of the record, unless the inspection is by or the information is disclosed to a person who has a direct and tangible interest in such record.

SECTION 168. 71.03 (2) (d) (title) of the statutes is amended to read:

71.03 (2) (d) title Husband and wife Spouses joint filing.

SECTION 169. 71.03 (2) (d) 1. of the statutes is amended to read:

71.03 (2) (d) 1. Except as provided in subds. 2. and 3. and par. (e), a husband and a wife spouses may file a joint return for income tax purposes even though one of the spouses has no gross income or no deductions.

SECTION 170. 71.03 (2) (d) 2. of the statutes is amended to read:

71.03 (2) (d) 2. No joint return may be filed if either the husband or wife spouse at any time during the taxable year is a nonresident alien, unless an election is in effect for the taxable year under section 6013 (g) or (h) of the Internal Revenue Code.

SECTION 171. 71.03 (2) (d) 3. of the statutes is amended to read:
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1 71.03 (2) (d) 3. No joint return may be filed if the husband and wife spouses
2 have different taxable years, except that if their taxable years begin on the same day
3 and end on different days because of the death of either or both the joint return may
4 be filed with respect to the taxable year of each unless the surviving spouse remarries
5 before the close of his or her taxable year or unless the taxable year of either spouse
6 is a fractional part of a year under section 443 (a) (1) of the Internal Revenue Code.

SECTION 172. 71.03 (2) (g) of the statutes is amended to read:

71.03 (2) (g) Joint return following separate return. Except as provided in par.
8 (i), if an individual has filed a separate return for a taxable year for which a joint
9 return could have been filed by the individual and the individual's spouse under par.
10 (d) or (e) and the time prescribed by law for timely filing the return for that taxable
11 year has expired, the individual and the individual's spouse may file a joint return
12 for that taxable year. A joint return filed by the husband and wife spouses under this
13 paragraph is their return for that taxable year, and all payments, credits, refunds
14 or other repayments made or allowed with respect to the separate return of each
15 spouse for that taxable year shall be taken into account in determining the extent
16 to which the tax based upon the joint return has been paid. If a joint return is filed
17 under this paragraph, any election, other than the election to file a separate return,
18 made by either spouse in that spouse's separate return for that taxable year with
19 respect to the treatment of any income, deduction or credit of that spouse may not
20 be changed in the filing of the joint return if that election would have been irrevocable
21 if the joint return had not been filed.

SECTION 173. 71.03 (2) (m) 2. of the statutes is amended to read:
71.03 (2) (m) 2. If husband and wife spouses change from a joint return to separate returns within the time prescribed in subd. 1., the tax paid on the joint return shall be allocated between them in proportion to the tax liability shown on each separate return.

**SECTION 174.** 71.03 (4) (a) of the statutes is amended to read:

71.03 (4) (a) Natural persons whose total income is not in excess of $10,000 and consists entirely of wages subject to withholding for Wisconsin tax purposes and not more than $200 total of dividends, interest and other wages not subject to Wisconsin withholding, and who have elected the Wisconsin standard deduction and have not claimed either the credit for homestead property tax relief or deductions for expenses incurred in earning such income, shall, at their election, not be required to record on their income tax returns the amount of the tax imposed on their Wisconsin taxable income. Married persons shall be permitted this election only if the joint income of the husband and wife spouses does not exceed $10,000, if both report their incomes on the same joint income tax return form, and if both make this election.

**SECTION 175.** 71.05 (22) (a) (title) of the statutes is amended to read:

71.05 (22) (a) (title) Election of deductions; husband and wife spousal deductions.

**SECTION 176.** 71.07 (5m) (a) 3. of the statutes is amended to read:

71.07 (5m) (a) 3. “Household” means a claimant and an individual related to the claimant as husband or wife his or her spouse.

**SECTION 177.** 71.07 (9e) (b) of the statutes is amended to read:

71.07 (9e) (b) No credit may be allowed under this subsection to married persons, except married persons living apart who are treated as single under section
7703 (b) of the Internal Revenue Code, if the husband and wife spouses report their income on separate income tax returns for the taxable year.

SECTION 178. 71.09 (13) (a) 2. of the statutes is amended to read:

71.09 (13) (a) 2. The tax shown on the return for the preceding year. If a husband and wife spouses who filed separate returns for the preceding taxable year file a joint return, the tax shown on the return for the preceding year is the sum of the taxes shown on the separate returns of the husband and wife spouses. If a husband and wife spouses who filed a joint return for the preceding taxable year file separate returns, the tax shown on the return for the preceding year is the husband's or wife's each spouse's proportion of that tax based on what their respective tax liabilities for that year would have been had they filed separately.

SECTION 179. 71.52 (4) of the statutes is amended to read:

71.52 (4) “Household” means a claimant and an individual related to the claimant as husband or wife his or her spouse.

SECTION 180. 71.83 (1) (a) 8. of the statutes is amended to read:

71.83 (1) (a) 8. ‘Joint return replacing separate returns.’ If the amount shown as the tax by the husband and wife spouses on a joint return filed under s. 71.03 (2) (g) to (L) exceeds the sum of the amounts shown as the tax upon the separate return of each spouse and if any part of that excess is attributable to negligence or intentional disregard of this chapter, but without intent to defraud, at the time of the filing of that separate return, then 25 percent of the total amount of that excess shall be added to the tax.

SECTION 181. 71.83 (1) (b) 5. of the statutes is amended to read:

71.83 (1) (b) 5. ‘Joint return after separate returns.’ If the amount shown as the tax by the husband and wife spouses on a joint return filed under s. 71.03 (2) (g)
to (L) exceeds the sum of the amounts shown as the tax on the separate return of each
spouse and if any part of that excess is attributable to fraud with intent to evade tax
at the time of the filing of that separate return, then 50 percent of the total amount
of that excess shall be added to the tax.

**SECTION 182.** 77.25 (8m) of the statutes is amended to read:

77.25 (8m) Between husband and wife spouses.

**SECTION 183.** 77.54 (7) (b) 1. of the statutes is amended to read:

77.54 (7) (b) 1. The item is transferred to a child, spouse, parent, father-in-law,
mother-in-law, parent-in-law, daughter-in-law, or son-in-law of the transferor or,
if the item is a motor vehicle, from the transferor to a corporation owned solely by the
transferor or by the transferor’s spouse.

**SECTION 184.** 101.91 (5m) of the statutes is amended to read:

101.91 (5m) “Manufactured home community” means any plot or plots of
ground upon which 3 or more manufactured homes that are occupied for dwelling or
sleeping purposes are located. “Manufactured home community” does not include a
farm where the occupants of the manufactured homes are the father, mother, son,
daughter, brother or sister parents, children, or siblings of the farm owner or
operator or where the occupants of the manufactured homes work on the farm.

**SECTION 185.** 102.07 (5) (b) of the statutes is amended to read:

102.07 (5) (b) The parents, spouse, child, brother, sister, son-in-law,
daughter-in-law, father in law, mother in law, parent in law, brother in law, or
sister in law of a farmer shall not be deemed the farmer’s employees.

**SECTION 186.** 102.07 (5) (c) of the statutes is amended to read:

102.07 (5) (c) A shareholder-employee of a family farm corporation shall be
dehemed a “farmer” for purposes of this chapter and shall not be deemed an employee
of a farmer. A “family farm corporation” means a corporation engaged in farming all
of whose shareholders are related as lineal ancestors or lineal descendants, whether
by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins,
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law parents-in-law,
brothers-in-law, or sisters-in-law of such lineal ancestors or lineal descendants.

SECTION 187. 102.51 (1) (a) 1. of the statutes is amended to read:
102.51 (1) (a) 1. A wife married person upon a husband his or her spouse with
whom he or she is living at the time of his the spouse’s death.

SECTION 188. 102.51 (1) (a) 2. of the statutes is repealed.

SECTION 189. 103.10 (1) (h) of the statutes is amended to read:
103.10 (1) (h) “Spouse” means an employee’s legal husband or wife the person
to whom an employee is legally married.

SECTION 190. 103.165 (3) (a) 3. of the statutes is amended to read:
103.165 (3) (a) 3. The decedent’s father or mother parent or parents if the
decedent leaves no surviving spouse, domestic partner under ch. 770, or children.

SECTION 191. 111.32 (12) of the statutes is amended to read:
111.32 (12) “Marital status” means the status of being married, single,
divorced, separated, or widowed a surviving spouse.

SECTION 192. 115.76 (12) (a) 1. of the statutes is amended to read:
115.76 (12) (a) 1. A biological natural parent.

SECTION 193. 115.76 (12) (a) 2. of the statutes is repealed.

SECTION 194. 115.76 (12) (a) 3. of the statutes is repealed.

SECTION 195. 115.76 (12) (a) 4. of the statutes is amended to read:
115.76 (12) (a) 4. A male person who has been adjudicated the child’s father
parent under subch. VIII of ch. 48, under subch. IX of ch. 767, by final order or
judgment of an Indian tribal court of competent jurisdiction or by final order or
judgment of a court of competent jurisdiction in another state.

SECTION 196. 115.76 (13) of the statutes is amended to read:

115.76 (13) “Person acting as a parent of a child” means a relative of the child
or a private individual allowed to act as a parent of a child by the child’s biological
natural or adoptive parents or guardian, and includes the child’s grandparent,
neighbor, friend or private individual caring for the child with the explicit or tacit
approval of the child’s biological natural or adoptive parents or guardian. “Person
acting as a parent of a child” does not include any person that receives public funds
to care for the child if such funds exceed the cost of such care.

SECTION 197. 146.0255 (2) of the statutes is amended to read:

146.0255 (2) TESTING. Any hospital employee who provides health care, social
worker, or intake worker under ch. 48 may refer an infant or an expectant mother
of a person pregnant with an unborn child, as defined in s. 48.02 (19), to a physician
for testing of the bodily fluids of the infant or expectant mother pregnant person for
controlled substances or controlled substance analogs if the hospital employee who
provides health care, social worker, or intake worker suspects that the infant or
expectant mother pregnant person has controlled substances or controlled substance
analogs in the bodily fluids of the infant or expectant mother pregnant person
because of the use of controlled substances or controlled substance analogs by the
mother person who gave birth to the infant while she that person was pregnant with
the infant or by the expectant mother pregnant person while she that person is
pregnant with the unborn child. The physician may test the infant or expectant
mother pregnant person to ascertain whether or not the infant or expectant mother
pregnant person has controlled substances or controlled substance analogs in the
bodily fluids of the infant or expectant mother pregnant person, if the physician determines that there is a serious risk that there are controlled substances or controlled substance analogs in the bodily fluids of the infant or expectant mother pregnant person because of the use of controlled substances or controlled substance analogs by the mother person who gave birth to the infant while she that person was pregnant with the infant or by the expectant mother pregnant person while she that person is pregnant with the unborn child and that the health of the infant, the unborn child or the child when born may be adversely affected by the controlled substances or controlled substance analogs. If the results of the test indicate that the infant does have controlled substances or controlled substance analogs in the infant’s bodily fluids, the physician shall report the occurrence of that condition in the infant to the agency, as defined in s. 48.981 (1) (ag), that is responsible for conducting child abuse and neglect investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the child and the child’s mother person who gave birth to the child as provided under s. 46.238. If the results of the test indicate that the expectant mother pregnant person does have controlled substances or controlled substance analogs in the expectant mother’s pregnant person’s bodily fluids, the physician may report the occurrence of that condition in the expectant mother pregnant person to the agency, as defined in s. 48.981 (1) (ag), that is responsible for conducting unborn child abuse investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the unborn child and expectant mother pregnant person as provided under s. 46.238. Under this subsection, no physician may test an expectant mother a pregnant person without first receiving her that person’s informed consent to the testing.
SECTION 198. 146.0255 (3) (intro.) and (b) of the statutes are amended to read:

146.0255 (3) TEST RESULTS. (intro.) The physician who performs a test under sub. (2) shall provide the infant’s parents or guardian or the expectant mother pregnant person with all of the following information:

(b) A statement of explanation that the test results of an infant must, and that the test results of an expectant mother a pregnant person may, be disclosed to an agency under sub. (2) if the test results are positive.

SECTION 199. 146.0257 (2) of the statutes is amended to read:

146.0257 (2) EVALUATION. If a hospital employee who provides health care, social worker, or intake worker under ch. 48 suspects that an infant has a fetal alcohol spectrum disorder, the hospital employee, social worker, or intake worker shall refer the infant to a physician for an evaluation to diagnose whether the infant has that disorder. If a physician determines that there is a serious risk that an infant has a fetal alcohol spectrum disorder, the physician shall evaluate the infant to diagnose whether the infant has that disorder. If a physician diagnoses that an infant has a fetal alcohol spectrum disorder, the physician shall report that diagnosis to the agency that is responsible for conducting child abuse and neglect investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the infant and the infant’s mother person who gave birth to the infant as provided under s. 46.238.

SECTION 200. 146.34 (1) (f) of the statutes is amended to read:

146.34 (1) (f) “Parent” means a biological natural parent, a husband who has consented to the artificial insemination of his wife under s. 891.40 or a parent by adoption. If the minor is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, “parent” includes a person adjudged
in a judicial proceeding under ch. 48 to be the biological father parent of the minor. “Parent” does not include any person whose parental rights have been terminated.

SECTION 201. 146.817 (1) of the statutes is amended to read:

146.817 (1) In this section, “fetal monitor tracing” means documentation of the heart tones of a fetus during labor and delivery of the mother of the fetus person giving birth that are recorded from an electronic fetal monitor machine.

SECTION 202. 157.05 of the statutes is amended to read:

157.05 Autopsy. Consent for a licensed physician to conduct an autopsy on the body of a deceased person shall be deemed sufficient when given by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife parent, spouse, child, guardian, next of kin, domestic partner under ch. 770, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If 2 or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

SECTION 203. 182.004 (6) of the statutes is amended to read:

182.004 (6) Stock may be issued and leases made to husband and wife spouses, and to the survivor of them, in which event title shall descend the same as in like conveyances of real property subject to ch. 766. Otherwise, title to the stock and lease shall descend to the persons to whom a homestead of the stockholder would descend except as provided in ch. 766. The interest of a tenant in the lease and stock shall be exempt from execution to the same extent as a homestead in real estate.

SECTION 204. 250.04 (3) (a) of the statutes is amended to read:

250.04 (3) (a) The department shall establish and maintain surveillance activities sufficient to detect any occurrence of acute, communicable, or chronic
diseases and threat of occupational or environmental hazards, injuries, or changes in the health of mothers parents and children.

SECTION 205. 253.165 of the statutes is amended to read:

253.165 Right to breast-feed breastfeed. A mother person may breast-feed her breastfeed a child in any public or private location where the mother person and child are otherwise authorized to be. In such a location, no person may prohibit a mother another person from breast-feeding her breastfeeding a child, direct a mother person to move to a different location to breast-feed her breastfeed a child, direct a mother person to cover her a child or breast while breast-feeding breastfeeding, or otherwise restrict a mother person from breast-feeding her breastfeeding a child as provided in this section.

SECTION 206. 301.01 (2) (cm) of the statutes is amended to read:

301.01 (2) (cm) Any expectant mother parent held in custody under ss. 48.193 to 48.213.

SECTION 207. 301.12 (2) of the statutes is amended to read:

301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 (4h) or (4m), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state operated or contracted for by the department, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person’s property and estate, including the homestead, and the spouse of the person, and the spouse’s property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his
or her primary support before an order granting his or her adoption, the resident of
this state appointed guardian of the child by a foreign court who brought the child
into this state for the purpose of adoption, and his or her property and estate,
including his or her homestead, shall be liable for the cost of the care, maintenance,
services, and supplies in accordance with the fee schedule established by the
department under s. 301.03 (18). If a spouse, widow surviving spouse, or minor, or
an incapacitated person, may be lawfully dependent upon the property for his or her
support, the court shall release all or such part of the property and estate from the
charges that may be necessary to provide for that person. The department shall
make every reasonable effort to notify the liable persons as soon as possible after the
beginning of the maintenance, but the notice or the receipt of the notice is not a
condition of liability.

Section 208. 301.50 (1) of the statutes is amended to read:

301.50 (1) In this section, “substantial parental relationship” means the
acceptance and exercise of significant responsibility for the daily supervision,
education, protection, and care of the child. In evaluating whether an individual has
had a substantial parental relationship with the child, factors that may be
considered include, but are not limited to, whether the individual has expressed
concern for or interest in the support, care, or well-being of the child; whether the
individual has neglected or refused to provide care or support for the child; and
whether, with respect to an individual who is or may be the father a parent of the
child, the individual has expressed concern for or interest in the support, care, or
well-being of the mother during her parent who gave birth during pregnancy.

Section 209. 441.15 (4) of the statutes is amended to read:
441.15 (4) A nurse-midwife who discovers evidence that any aspect of care involves any complication which jeopardizes the health or life of a newborn or mother, a pregnant or postpartum person shall consult with the collaborating physician under sub. (2) (b) or the physician’s designee, or make a referral as specified in a written agreement under sub. (2) (b).

SECTION 210. 700.19 (2) of the statutes is amended to read:

700.19 (2) HUSBAND AND WIFE SPOUSES. If persons named as owners in a document of title, transferees in an instrument of transfer, or buyers in a bill of sale are described in the document, instrument, or bill of sale as husband and wife married to each other, or are in fact husband and wife married to each other, they are joint tenants, unless the intent to create a tenancy in common is expressed in the document, instrument, or bill of sale. This subsection applies to property acquired before January 1, 1986, and, if ch. 766 does not apply when the property is acquired, to property acquired on or after January 1, 1986.

SECTION 211. 705.01 (4) of the statutes is amended to read:

705.01 (4) “Joint account” means an account, other than a marital account, payable on request to one or more of 2 or more parties whether or not mention is made of any right of survivorship. “Joint account” also means any account established with the right of survivorship on or after January 1, 1986, by 2 parties who claim to be husband and wife married to each other, which is payable on request to either or both of the parties.

SECTION 212. 705.01 (4m) of the statutes is amended to read:

705.01 (4m) “Marital account” means an account established without the right of survivorship on or after January 1, 1986, by 2 parties who claim to be husband and wife married to each other, which is payable on request to either or both of the parties.
and which is designated as a marital account. An account established by those
parties with the right of survivorship under s. 766.58 (3) (f) or 766.60 is a joint
account.

SECTION 213. 706.09 (1) (e) of the statutes is amended to read:

706.09 (1) (e) Marital interests. Homestead of the spouse of any transferor of
an interest in real estate, if the recorded conveyance purporting to transfer the
homestead states that the person executing it is single, unmarried, or widowed a
surviving spouse or fails to indicate the marital status of the transferor, and if the
conveyance has, in either case, appeared of record for 5 years. This paragraph does
not apply to the interest of a married person who is described of record as a holder
in joint tenancy or of marital property with that transferor.

SECTION 214. 757.69 (1) (g) 2. of the statutes is amended to read:

757.69 (1) (g) 2. Order the release or detention of children or expectant mothers
of persons pregnant with unborn children taken into custody.

SECTION 215. 757.69 (1) (g) 9. of the statutes is amended to read:

757.69 (1) (g) 9. Conduct hearings under s. 48.213 or 48.217 and thereafter
order an adult expectant parent of an unborn child to be held in or released
from custody.

SECTION 216. 757.69 (1m) (d) of the statutes is amended to read:

757.69 (1m) (d) Make changes in placements of children, of juveniles, or of the
expectant mothers of persons pregnant with unborn children, or revisions or
extensions of dispositional orders, except pursuant to petitions or citations under s.
938.125, in uncontested proceedings under s. 48.13, 48.133, 938.12, or 938.13, or as
permitted under sub. (1) (g) 6., 8., 9., and 15.

SECTION 217. 765.001 (2) of the statutes is amended to read:
765.001 (2) INTENT. It is the intent of chs. 765 to 768 to promote the stability and best interests of marriage and the family. It is the intent of the legislature to recognize the valuable contributions of both spouses during the marriage and at termination of the marriage by dissolution or death. Marriage is the institution that is the foundation of the family and of society. Its stability is basic to morality and civilization, and of vital interest to society and the state. The consequences of the marriage contract are more significant to society than those of other contracts, and the public interest must be taken into account always. The seriousness of marriage makes adequate premarital counseling and education for family living highly desirable and courses thereon are urged upon all persons contemplating marriage. The impairment or dissolution of the marriage relation generally results in injury to the public wholly apart from the effect upon the parties immediately concerned. Under the laws of this state, marriage is a legal relationship between 2 equal persons, a husband and wife, who owe to each other mutual responsibility and support. Each spouse has an equal obligation in accordance with his or her ability to contribute money or services or both which are necessary for the adequate support and maintenance of his or her minor children and of the other spouse. No spouse may be presumed primarily liable for support expenses under this subsection.

SECTION 218. 765.01 of the statutes is amended to read:

765.01 A civil contract. Marriage, so far as its validity at law is concerned, is a civil contract, to which the consent of the parties capable in law of contracting is essential, and which creates the legal status of husband and wife spouse to each other.

SECTION 219. 765.02 (3) of the statutes is created to read:
765.02 (3) Marriage may be contracted between persons of the same sex or different sexes.

**SECTION 220.** 765.03 (1) of the statutes is amended to read:

765.03 (1) No marriage shall be contracted while either of the parties has a husband or wife spouse living, nor between persons who are nearer of kin than 2nd cousins except that marriage may be contracted between first cousins where the female has attained the age of 55 years or where if either party, at the time of application for a marriage license, submits an affidavit signed by a physician stating that either party is permanently sterile or that the 2 parties are otherwise permanently biologically incapable of producing a child together. Relationship under this section shall be computed by the rule of the civil law, whether the parties to the marriage are of the half or of the whole blood. A marriage may not be contracted if either party has such want of understanding as renders him or her incapable of assenting to marriage.

**SECTION 221.** 765.12 (1) (a) of the statutes is amended to read:

765.12 (1) (a) If ss. 765.02, 765.05, 765.08, and 765.09 are complied with, and if there is no prohibition against or legal objection to the marriage, the county clerk shall issue a marriage license. With each marriage license the county clerk shall provide information describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of cocaine or other drugs by the pregnant person during pregnancy.

**SECTION 222.** 765.16 (1m) (intro.) of the statutes is amended to read:

765.16 (1m) (intro.) Marriage may be validly solemnized and contracted in this state only after a marriage license has been issued therefor, and only by the mutual declarations of the 2 parties to be joined in marriage that they take each takes the
other as husband and wife his or her spouse, made before an authorized officiating person and in the presence of at least 2 competent adult witnesses other than the officiating person. If one of the parties is serving on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, in a reserve unit of the U.S. armed forces, or in the national guard, the presence of only one competent adult witness other than the officiating person is required. The following are authorized to be officiating persons:

**SECTION 223.** 765.16 (1m) (c) of the statutes is amended to read:

> 765.16 (1m) (c) The 2 parties themselves, by mutual declarations that they take each takes the other as husband and wife his or her spouse, in accordance with the customs, rules, and regulations of any religious society, denomination, or sect to which either of the parties may belong.

**SECTION 224.** 765.23 of the statutes is amended to read:

**765.23 Immaterial irregularities otherwise.** No marriage hereafter contracted shall be void either by reason of the marriage license having been issued by a county clerk not having jurisdiction to issue the same; or by reason of any informality or irregularity of form in the application for the marriage license or in the marriage license itself, or the incompetency of the witnesses to such marriage; or because the marriage may have been solemnized more than 60 days after the date of the marriage license, if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. Where a marriage has been celebrated in one of the forms provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter assumed the habit and repute of husband and wife a married couple, and having continued the same uninterruptedly thereafter for the
period of one year, or until the death of either of them, it shall be deemed that a
marriage license has been issued as required by ss. 765.05 to 765.24 and 767.803.

**SECTION 224.** 765.24 of the statutes is amended to read:

**765.24 Removal of impediments to subsequent marriage.** If a person
during the lifetime of a husband or wife spouse with whom the marriage is in force,
enters into a subsequent marriage contract in accordance with s. 765.16, and the
parties thereto live together thereafter as husband and wife a married couple, and
such subsequent marriage contract was entered into by one of the parties in good
faith, in the full belief that the former husband or wife spouse was dead, or that the
former marriage had been annulled, or dissolved by a divorce, or without knowledge
of such former marriage, they the parties shall, after the impediment to their
marriage has been removed by the death or divorce of the other party to such former
marriage, if they continue to live together as husband and wife a married couple in
good faith on the part of one of them, be held to have been legally married from and
after the removal of such impediment and the issue of any children born during such
subsequent marriage shall be considered as the marital issue children of both
parents parties.

**SECTION 226.** 765.30 (3) (a) of the statutes is amended to read:

**765.30 (3) (a) Penalty for unlawful solemnization of marriage.** Any officiating
person who solemnizes a marriage unless the contracting parties have first obtained
a proper marriage license as heretofore provided; or unless the parties to such
marriage declare that they take each takes the other as husband and wife his or her
spouse; or without the presence of competent adult witnesses as required under s.
765.16 (1m); or solemnizes a marriage knowing of any legal impediment thereto; or
solemnizes a marriage more than 60 days after the date of the marriage license; or
falsely certifies to the date of a marriage solemnized by the officiating person.

**SECTION 226.** 766.587 (7) (form) 9. of the statutes is amended to read:

766.587 (7) (form) 9. BOTH SPOUSES MUST SIGN THIS AGREEMENT. IF
SIGNED BEFORE JANUARY 1, 1986, IT IS EFFECTIVE ON JANUARY 1, 1986,
OR THE DATE THE PARTIES MARRY, WHICHEVER IS LATER. IF SIGNED ON
OR AFTER JANUARY 1, 1986, IT IS EFFECTIVE ON THE DATE SIGNED OR THE
DATE THE PARTIES MARRY, WHICHEVER IS LATER.

**STATUTORY INDIVIDUAL**

**PROPERTY CLASSIFICATION AGREEMENT**

(Pursuant to Section 766.587, Wisconsin Statutes)

This agreement is made and entered into by .... and .... (husband and wife who
are married) (who intend to marry) (strike one).

The parties to this agreement agree to classify all their property, including
property owned by them now and property acquired before January 1, 1987, as the
individual property of the owning spouse, and agree that ownership of their property
shall be determined as if it were December 31, 1985.

This agreement terminates on January 1, 1987.

Signature .... Date ....

Print Name Here: ....

Address: ....

Signature .... Date ....

Print Name Here: ....

Address: ....
[NOTE: Each spouse should retain a copy of the agreement for himself or herself.]

**SECTION 228.** 766.588 (9) (form) 13. of the statutes is amended to read:

766.588 (9) (form) 13. **IF AFTER ENTERING INTO THIS AGREEMENT ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED EFFECTIVENESS OF THIS AGREEMENT.**

**STATUTORY TERMINABLE MARITAL PROPERTY CLASSIFICATION AGREEMENT**

(Pursuant to Section 766.588, Wisconsin Statutes)

This agreement is entered into by .... and .... (husband and wife who are married) (who intend to marry) (strike one). The parties hereby classify all of the property owned by them when this agreement becomes effective, and property acquired during the term of this agreement, as marital property.

One spouse may terminate this agreement at any time by giving signed notice of termination to the other spouse. Notice of termination by a spouse is given upon personal delivery or when sent by certified mail to the other spouse’s last-known address. The agreement terminates 30 days after such notice is given.

The parties (have) (have not) (strike one) completed Schedule “A”, “Financial Disclosure”, attached to this agreement. If Schedule “A” has not been completed, the duration of this agreement is 3 years after both parties have signed the agreement. If Schedule “A” has been completed, the duration of this agreement is not limited to 3 years after it is signed.

**IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3 YEARS, MAKE SURE SCHEDULE “A”, “FINANCIAL DISCLOSURE”, IS**
COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY ENTERED INTO A STATUTORY TERMINABLE MARITAL PROPERTY CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR SPOUSE DID NOT COMPLETE SCHEDULE “A”, YOU MAY NOT EXECUTE THIS AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE “A”.

Signature of One Spouse: ....
Date: ....
Print Name Here: ....
Residence Address: ....

(Make Sure Your Signature is Authenticated or Acknowledged Below.)

AUTHENTICATION

Signature .... authenticated this .... day of ...., .... (year)

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, .... authorized by s. 706.06, Wis. Stats.)

ACKNOWLEDGMENT

STATE OF WISCONSIN )

) ss.

.... County 

Personally came before me this .... day of ...., .... (year) the above named .... to me known to be the person who executed the foregoing instrument and acknowledge the same.

*....
Notary Public ...., .... County, Wisconsin.

My Commission is permanent.

(If not, state expiration date: ...., .... (year))

(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

Signature of Other Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

(Make Sure Your Signature is Authenticated or Acknowledged Below.)

**AUTHENTICATION**

Signature .... authenticated this .... day of ...., .... (year)

*....

**TITLE: MEMBER STATE BAR OF WISCONSIN**

(If not, .... authorized by s. 706.06, Wis. Stats.)

**ACKNOWLEDGMENT**

STATE OF WISCONSIN

.... County

Personally came before me this .... day of ...., .... (year) the above named .... to me known to be the person who executed the foregoing instrument and acknowledge the same.

*....
Notary Public ..., ..., County, Wisconsin.

My Commission is permanent.

(If not, state expiration date: ..., ..., (year))

(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

TERMINATION OF STATUTORY TERMINABLE MARITAL PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.588 (4) OF THE WISCONSIN STATUTES.

2. THIS TERMINATION IS PROSPECTIVE; IT DOES NOT AFFECT THE CLASSIFICATION OF PROPERTY ACQUIRED BEFORE THE TERMINATION BECOMES EFFECTIVE. PROPERTY ACQUIRED AFTER THE TERMINATION BECOMES EFFECTIVE IS CLASSIFIED AS PROVIDED UNDER THE MARITAL PROPERTY LAW.

3. IN GENERAL, THIS TERMINATION IS NOT BINDING ON CREDITORS UNLESS THEY ARE PROVIDED A COPY OF THE TERMINATION BEFORE CREDIT IS EXTENDED.

The undersigned terminates the statutory terminable marital property classification agreement entered into by me and my spouse on .... (date last spouse signed the agreement) under section 766.588 of the Wisconsin Statutes.

Signature: ....
The following general categories of assets and liabilities are not all inclusive and if other assets or liabilities exist they should be listed. Assets should be listed according to which spouse has title (including assets owned by a spouse or the spouses with one or more third parties) and at their approximate market value.

Husband  Wife  Spouse (Name)  Spouse (Name)  Both Names

I. Assets

A. Real estate (gross value)

B. Stocks, bonds and mutual funds

C. Accounts at and certificates or other instruments issued by financial institutions

D. Mortgages, land contracts, promissory notes and cash

E. Partnership interests

EL. Limited liability company interests.

F. Trust interests

G. Livestock, farm products, crops

H. Automobiles and other vehicles

I. Jewelry and personal effects

J. Household furnishings

K. Life insurance and annuities:
BILL

SECTION 228

1. Face value
2. Cash surrender value

L. Retirement benefits (include value):
1. Pension plans
2. Profit sharing plans
3. HR-10 KEOGH plans
4. IRAs
5. Deferred compensation plans

M. Other assets not listed elsewhere

II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):

A. Mortgages and liens
B. Credit cards
C. Other obligations to financial institutions
D. Alimony, maintenance and child support (per month)
E. Other obligations (such as other obligations to individuals, guarantees, contingent liabilities)

III. ANNUAL COMPENSATION FOR SERVICES:
(for example, wages and income from self-employment; also include social security, disability and similar income here)

(IF YOU NEED ADDITIONAL SPACE, ADD ADDITIONAL SHEETS)

SECTION 229. 766.589 (10) (form) 14. of the statutes is amended to read:
766.589 (10) (form) 14. IF AFTER ENTERING INTO THIS AGREEMENT ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED EFFECTIVENESS OF THIS AGREEMENT.

STATUTORY TERMINABLE INDIVIDUAL
PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.589, Wisconsin Statutes)

This agreement is entered into by .... and .... (husband and wife who are married) (who intend to marry) (strike one). The parties hereby classify the marital property owned by them when this agreement becomes effective, and property acquired during the term of this agreement which was marital property, as the individual property of the owning spouse. The parties agree that ownership of such property shall be determined by the name in which the property is held and, if property is not held by either or both spouses, ownership shall be determined as if the parties were unmarried persons when the property was acquired.

Upon the death of either spouse the surviving spouse may, except as otherwise provided in a subsequent marital property agreement, and regardless of whether this agreement has terminated, elect against the property of the decedent spouse as provided in section 766.589 (7) of the Wisconsin Statutes.

One spouse may terminate this agreement at any time by giving signed notice of termination to the other spouse. Notice of termination by a spouse is given upon personal delivery or when sent by certified mail to the other spouse’s last-known address. The agreement terminates 30 days after such notice is given.
The parties (have) (have not) (strike one) completed Schedule “A”, “Financial Disclosure”, attached to this agreement. If Schedule “A” has not been completed, the duration of this agreement is 3 years after both parties have signed the agreement. If Schedule “A” has been completed, the duration of this agreement is not limited to 3 years after it is signed.

IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3 YEARS, MAKE SURE THAT SCHEDULE “A”, “FINANCIAL DISCLOSURE”, IS COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY ENTERED INTO A STATUTORY TERMINABLE INDIVIDUAL PROPERTY CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR SPOUSE DID NOT COMPLETE SCHEDULE “A”, YOU MAY NOT EXECUTE THIS AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE “A”.

Signature of One Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

(Make Sure Your Signature is Authenticated or Acknowledged Below.)

AUTHENTICATION

Signature .... authenticated this .... day of ...., .... (year)

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, .... authorized by s. 706.06, Wis. Stats.)

ACKNOWLEDGMENT
BILL

1  STATE OF WISCONSIN

2  )

3  )  ss.

4  .... County

5  )

   Personally came before me this .... day of ...., .... (year) the above named .... to me known to be the person who executed the foregoing instrument and acknowledge the same.

7  *....

8  Notary Public ...., .... County, Wisconsin.

9  My Commission is permanent.

10 (If not, state expiration date: ...., .... (year))

11 (Signatures may be authenticated or acknowledged. Both are not necessary.)

12 *Names of persons signing in any capacity should be typed or printed below their signatures.

13 Signature of Other Spouse: ....

14 Date: ....

15 Print Name Here: ....

16 Residence Address: ....

17 (Make Sure Your Signature is Authenticated or Acknowledged Below.)

20 AUTHENTICATION

21 Signature .... authenticated this .... day of ...., .... (year)

22 *....

23 TITLE: MEMBER STATE BAR OF WISCONSIN

24 (If not, .... authorized by s. 706.06, Wis. Stats.)

25 ACKNOWLEDGMENT
STATE OF WISCONSIN )

) ss. 

.... County )

Personally came before me this .... day of ...., .... (year) the above named .... to me known to be the person who executed the foregoing instrument and acknowledge the same.

*....

Notary Public ...., .... County, Wisconsin.

My Commission is permanent.

(If not, state expiration date: ...., .... (year))

(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

TERMINATION OF

STATUTORY TERMINABLE INDIVIDUAL

PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.589 (4) OF THE WISCONSIN STATUTES.

2. THIS TERMINATION IS PROSPECTIVE; IT DOES NOT AFFECT THE CLASSIFICATION OF PROPERTY ACQUIRED BEFORE THE TERMINATION BECOMES EFFECTIVE. PROPERTY ACQUIRED AFTER THE TERMINATION
BILL

1. BECOMES EFFECTIVE IS CLASSIFIED AS PROVIDED UNDER THE MARITAL PROPERTY LAW.

3. IN GENERAL, THIS TERMINATION IS NOT BINDING ON CREDITORS UNLESS THEY ARE PROVIDED A COPY OF THE TERMINATION BEFORE CREDIT IS EXTENDED.

The undersigned terminates the statutory terminable individual property classification agreement entered into by me and my spouse on .... (date last spouse signed the agreement) under section 766.589 of the Wisconsin Statutes.

Signature: ....
Date: ....
Print Name Here: ....
Residence Address: ....

SCHEDULE “A”

FINANCIAL DISCLOSURE

The following general categories of assets and liabilities are not all inclusive and if other assets or liabilities exist they should be listed. Assets should be listed according to which spouse has title (including assets owned by a spouse or the spouses with one or more third parties) and at their approximate market value.

Husband  Wife  Spouse (Name)  Spouse (Name)  Both Names

I. ASSETS:

A. Real estate (gross value)

B. Stocks, bonds and mutual funds

C. Accounts at and certificates and other instruments issued by financial institutions
BILL

SECTION 229

1.  D. Mortgages, land contracts, promissory notes and cash
2.  E. Partnership interests
3.  EL. Limited liability company interests
4.  F. Trust interests
5.  G. Livestock, farm products, crops
6.  H. Automobiles and other vehicles
7.  I. Jewelry and personal effects
8.  J. Household furnishings
9.  K. Life insurance and annuities:
   1.  1. Face value
   2.  2. Cash surrender value
10.  L. Retirement benefits (include value):
   1.  1. Pension plans
   2.  2. Profit sharing plans
   3.  3. HR-10 KEOGH plans
   4.  4. IRAs
   5.  5. Deferred compensation plans
19.  M. Other assets not listed elsewhere

II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):

21.  A. Mortgages and liens
22.  B. Credit cards
23.  C. Other obligations to financial institutions
24.  D. Alimony, maintenance and child support (per month)
E. Other obligations (such as other obligations
to individuals, guarantees, contingent
liabilities)

III. Annual compensation for services:
(for example, wages and income from
self-employment; also include social security,
disability and similar income here)

(IF YOU NEED ADDITIONAL SPACE,
ADD ADDITIONAL SHEETS.)

SECTION 230. 767.001 (1m) of the statutes is amended to read:

767.001 (1m) “Genetic test” means a test that examines genetic markers
present on blood cells, skin cells, tissue cells, bodily fluid cells or cells of another body
material for the purpose of determining the statistical probability of an alleged
father’s paternity parent’s parentage.

SECTION 231. 767.215 (2) (b) of the statutes is amended to read:

767.215 (2) (b) The name and birthdate of each minor child of the parties and
each any other child children born to the wife either of the parties during the
marriage, and whether the wife either party is pregnant.

SECTION 232. 767.215 (2) (b) of the statutes is amended to read:

767.215 (2) (b) The name and birthdate of each minor child of the parties and
each other child born to the wife a party during the marriage, and whether the wife
a party is pregnant.

SECTION 233. 767.215 (5) (a) 2. of the statutes is amended to read:
767.215 (5) (a) 2. The name, date of birth, and social security number of each
minor child of the parties and of each child who was born to the wife a party during
the marriage and who is a minor.

SECTION 234. 767.323 of the statutes is amended to read:

767.323 Suspension of proceedings to effect reconciliation. During the
pendency of an action for divorce or legal separation, the court may, upon written
stipulation of both parties that they desire to attempt a reconciliation, enter an order
suspending any and all orders and proceedings for such period, not exceeding 90
days, as the court determines advisable to permit the parties to attempt a
reconciliation without prejudice to their respective rights. During the suspension
period, the parties may resume living together as husband and wife a married couple
and their acts and conduct do not constitute an admission that the marriage is not
irretrievably broken or a waiver of the ground that the parties have voluntarily lived
apart continuously for 12 months or more immediately prior to the commencement
of the action. Suspension may be revoked upon the motion of either party by an order
of the court. If the parties become reconciled, the court shall dismiss the action. If
the parties are not reconciled after the period of suspension, the action shall proceed
as though no reconciliation period was attempted.

SECTION 235. 767.43 (3) (b) and (4) of the statutes are amended to read:

767.43 (3) (b) Except as provided in sub. (4), the paternity parentage of the child
has been determined under the laws of this state or another jurisdiction if the
grandparent filing the petition is a parent of the child's father parent who did not give
birth to the child.

(4) Paternity Parentage determination. If the paternity parentage of the child
has not yet been determined in an action under sub. (3) that is commenced by a
person other than a parent of the child’s mother parent who gave birth to the child
but the person filing the petition under sub. (3) has, in conjunction with that petition,
filed a petition or motion under s. 767.80 (1) (k), the court shall make a determination
as to paternity parentage before determining visitation rights under sub. (3).

SECTION 236. Subchapter IX (title) of chapter 767 [precedes 767.80] of the
statutes is repealed and recreated to read:

**CHAPTER 767**

**SUBCHAPTER IX**

**PARENTAGE**

SECTION 237. 767.80 (1) (b) of the statutes is repealed and recreated to read:

767.80 (1) (b) The person who gave birth to the child.

SECTION 238. 767.80 (1) (c) of the statutes is amended to read:

767.80 (1) (c) Unless s. 767.804 (1) or 767.805 (1) applies, a male person
presumed to be the child’s father parent under s. 891.405, 891.407, or 891.41 (1).

SECTION 239. 767.80 (1) (d) of the statutes is amended to read:

767.80 (1) (d) A male person alleged or alleging himself to be the father parent
of the child.

SECTION 240. 767.80 (1) (k) of the statutes is amended to read:

767.80 (1) (k) In conjunction with the filing of a petition for visitation with
respect to the child under s. 767.43 (3), a parent of a person who has filed a
declaration of paternal parental interest under s. 48.025 with respect to the child or
a parent of a person who, before April 1, 1998, signed and filed a statement
acknowledging paternity parentage under s. 69.15 (3) (b) 3. with respect to the child.

SECTION 241. 767.80 (1m) of the statutes is amended to read:
767.80 (1m) **Venue.** An action under this section may be brought in the county in which the child or the alleged father parent resides or is found or, if the father alleged parent is deceased, in which proceedings for probate of his the alleged parent's estate have been or could be commenced.

**SECTION 242.** 767.80 (2) of the statutes is amended to read:

767.80 (2) **Certain agreements not a bar to action.** Regardless of its terms, an agreement made after July 1, 1981, other than an agreement approved by the court between an alleged or presumed father parent and the mother or person who gave birth to the child, does not bar an action under this section. Whenever the court approves an agreement in which one of the parties agrees not to commence an action under this section, the court shall first determine whether or not the agreement is in the best interest of the child. The court shall not approve any provision waiving the right to bring an action under this section if this provision is contrary to the best interests of the child.

**SECTION 243.** 767.80 (5) (a) and (b) of the statutes are amended to read:

767.80 (5) (a) In this subsection, “any alleged father parent” includes any male person who has engaged in sexual intercourse with the child’s mother during a possible time of person who gave birth to the child that may have resulted in the conception of the child.

(b) An A parentage action under this section may be joined with any other action for child support and is governed by the procedures specified in s. 767.205 relating to child support, except that the title of the action shall be “In re the paternity parentage of A.B.” The petition shall state the name and date of birth of the child if born or that the mother person is pregnant if the child is unborn, the name of any alleged father parent or presumed parent, whether or not an action by any of
the parties to determine the paternity parentage of the child or rebut the presumption of paternity parentage to the child has at any time been commenced, or is pending before any court, in this state or elsewhere. If a paternity parentage judgment has been rendered, or if a paternity parentage action has been dismissed, the petition shall state the court that rendered the judgment or dismissed the action, and the date and the place the judgment was granted if known. The petition shall also give notice of a party’s right to request a genetic test under s. 49.225 or 767.84.

SECTION 244. 767.80 (5m) of the statutes is amended to read:

767.80 (5m) Applicable procedure; exceptions. Except as provided in ss. 767.804, 767.805, 767.863 (3), 767.85, 767.893 (2) and (2m), and 769.401, unless a male person is presumed the child’s father parent under s. 891.41 (1), is adjudicated the child’s father parent either under s. 767.89 or by final order or judgment of a court of competent jurisdiction in another state, is conclusively determined to be the child’s father parent from genetic test results under s. 767.804, or has voluntarily acknowledged himself to be the child’s father parent under s. 767.805 (1) or a substantially similar law of another state, no order or temporary order may be entered for child support, legal custody, or physical placement until the male person is adjudicated the father parent using the procedure set forth in this subchapter, except s. 767.804 or 767.805. Except as provided in ss. 767.804, 767.805, 767.85, and 769.401, the exclusive procedure for establishment of child support obligations, legal custody, or physical placement rights for a male person who is not presumed the child’s father parent under s. 891.41 (1), adjudicated the father parent, conclusively determined to be the child’s father parent from genetic test results under s. 767.804, or acknowledged under s. 767.805 (1) or a substantially similar law of another state to be the father parent is by an action under this subchapter, except s. 767.804 or
767.805, or under s. 769.402. No person may waive the use of this procedure. If a presumption under s. 891.41 (1) exists, a party denying paternity parentage has the burden of rebutting the presumption.

SECTION 245. 767.80 (6m) of the statutes is amended to read:

767.80 (6m) WHEN ACTION MUST BE COMMENCED. The attorney designated under sub. (6) (a) shall commence an action under this section on behalf of the state within 6 months after receiving notification under s. 69.03 (15) that no father only one parent is named on the birth record of a child who is a resident of the county if paternity parentage has not been conclusively determined from genetic test results under s. 767.804, acknowledged under s. 767.805 (1) or a substantially similar law of another state, or adjudicated, except in situations under s. 69.14 (1) (g) and (h) and as provided by the department by rule.

SECTION 246. 767.80 (6r) (a) 1., 2. c. and 3. of the statutes are amended to read:

767.80 (6r) (a) 1. Give priority to matters referred under s. 48.299 (6) (a) or 938.299 (6) (a), including priority in determining whether an action should be brought under this section and, if the determination is that such an action should be brought, priority in bringing the action and in establishing the existence or nonexistence of paternity parentage.

2. c. That the male person designated in s. 48.299 (6) (a) or 938.299 (6) (a) has previously been excluded as the father parent of the child.

3. If an action is brought under this section, notify the court that referred the matter as soon as possible of a judgment or order determining the existence or nonexistence of paternity parentage.

SECTION 247. 767.803 of the statutes is amended to read:
**BILL**

**SECTION 247**

767.803 Determination of marital children. If the father and mother natural parents of a nonmarital child enter into a lawful marriage or a marriage which appears and they believe is lawful, except where the parental rights of the mother parent who gave birth were terminated before either of these circumstances, the child becomes a marital child, is entitled to a change in birth record under s. 69.15 (3) (b), and shall enjoy all of the rights and privileges of a marital child as if he or she had been born during the marriage of the parents. This section applies to all cases before, on, or after its effective date, but no estate already vested shall be divested by this section and ss. 765.05 to 765.24 and 852.05. The children of all marriages declared void under the law are nevertheless marital children.

**SECTION 248.** 767.804 (1) (title) of the statutes is amended to read:

767.804 (1) (title) **CONCLUSIVE DETERMINATION OF PATERNITY PARENTAGE.**

**SECTION 249.** 767.804 (1) (a) (intro.), 1., 3. and 4. of the statutes are amended to read:

767.804 (1) (a) (intro.) If genetic tests have been performed with respect to a child, the child’s mother person who gave birth to the child, and a male person alleged, or alleging himself, to be the child’s father other parent, the test results constitute a conclusive determination of paternity parentage, effective on the date on which the report under par. (c) is submitted to the state registrar, which has the same effect as a judgment of paternity parentage, if all of the following apply:

1. Both the child’s mother person who gave birth to the child and the male alleged parent are over the age of 18 years.

2. The test results show that the male alleged parent is not excluded as the father parent and that the statistical probability of the male’s alleged parent’s parentage is 99.0 percent or higher.
4. No other male person is presumed to be the father natural parent under s. 891.405 or 891.41 (1).

SECTION 250. 767.804 (1) (b) (intro.), 2., 3. and 4. of the statutes are amended to read:

767.804 (1) (b) (intro.) When the county child support agency under s. 59.53 (5) receives genetic test results described in par. (a) 3. and the requirements under par. (a) are satisfied, the county child support agency shall send notice to the mother person who gave birth to the child and male the alleged parent by regular mail at their last-known addresses. The notice must be sent at least 15 days in advance of the date on which the county child support agency intends to file the report under par. (c) and shall advise the mother person who gave birth to the child and male the alleged parent of all of the following:

2. That the report under par. (c) will be filed with the state registrar if neither the mother person who gave birth to the child nor the male alleged parent timely objects under subd. 4., and the date on which the report will be filed.

3. That an action affecting the family concerning custody, child support, or physical placement rights may be brought with respect to the mother person who gave birth to the child and male the alleged parent.

4. That the mother person who gave birth to the child or the male alleged parent, or both, may object to the test results by submitting an objection in writing to the county child support agency no later than the day before the date specified in subd. 2., and that, if either the mother person who gave birth to the child or the male alleged parent timely submits an objection, the state will commence a paternity parentage action.

SECTION 251. 767.804 (1) (c) 1. and 2. of the statutes are amended to read:
767.804 (1) (c) 1. If neither the mother person who gave birth to the child nor the male alleged parent timely submits an objection under par. (b) 4., the county child support agency shall file with the state registrar a report showing the names, dates, and birth places of the child and the father alleged parent, the social security numbers of the mother, father, person who gave birth to the child, the alleged parent, and the child, and the maiden full birth name of the mother person who gave birth on a form prescribed by the state registrar, along with the fee set forth in s. 69.22 (5), if any, which the county child support agency shall collect.

2. The department shall pay, and may not require the county or county child support agency to reimburse the department, for the cost of a fee for inserting the father's parent's name on a birth certificate under s. 69.15 (3) (a) 3. if the county child support agency is unable to collect the fee.

SECTION 252. 767.804 (1) (d) of the statutes is amended to read:

767.804 (1) (d) If either the mother person who gave birth or the male alleged parent timely submits an objection under par. (b) 4., the county child support agency shall commence an action under s. 767.80 (1) on behalf of the state. The genetic test results described in par. (a) are admissible in an action commenced under this paragraph.

SECTION 253. 767.804 (2) of the statutes is amended to read:

767.804 (2) ACTIONS. Unless sub. (1) (d) applies, an action affecting the family concerning custody, child support, or physical placement rights may be brought under this subsection with respect to a child's mother and a male any person who, along with the child, were was the subjects subject of a genetic test test, the results of which constitute a conclusive determination of paternity parentage under sub. (1).
Except as provided in s. 767.407, in an action under this subsection the court may appoint a guardian ad litem for the child.

**SECTION 254.** 767.804 (3) (d) 1. and 2. of the statutes are amended to read:

767.804 (3) (d) 1. An order establishing the amount of the father’s adjudicated parent’s obligation to pay or contribute to the reasonable expenses of the mother’s pregnancy and the child’s birth childbirth. The amount established may not exceed one-half of the total actual and reasonable pregnancy and birth expenses. The order also shall specify the court’s findings as to whether the father’s adjudicated parent’s income is at or below the poverty line established under 42 USC 9902 (2), and shall specify whether periodic payments are due on the obligation, based on the father’s adjudicated parent’s ability to pay or contribute to those expenses.

2. If the order does not require periodic payments because the father adjudicated parent has no present ability to pay or contribute to the expenses, the court may modify the judgment or order at a later date to require periodic payments if the father adjudicated parent has the ability to pay at that time.

**SECTION 255.** 767.804 (4) (a) 1. (intro.) of the statutes is amended to read:

767.804 (4) (a) 1. (intro.) That he or she the party was induced to delay commencing the action by any of the following:

**SECTION 256.** 767.804 (4) (a) 2. of the statutes is amended to read:

767.804 (4) (a) 2. That, after the inducement ceased to operate, he or she the party did not unreasonably delay in commencing the action.

**SECTION 257.** 767.805 (2) (b) of the statutes is amended to read:

767.805 (2) (b) If a statement acknowledging paternity parentage is timely rescinded as provided in s. 69.15 (3m), a court may not enter an order specified in sub. (4) with respect to the male person who signed the statement as the father parent.
of the child unless the male person is adjudicated the child’s father parent using the
procedures set forth in this subchapter, except for this section.

Section 258. 767.805 (4) (d) of the statutes is amended to read:

767.805 (4) (d) 1. An order establishing the amount of the father’s the
adjudicated parent’s obligation to pay or contribute to the reasonable expenses of the
mother’s pregnancy and the child’s birth childbirth. The amount established may
not exceed one-half of the total actual and reasonable pregnancy and birth expenses.
The order also shall specify the court’s findings as to whether the father’s adjudicated
parent’s income is at or below the poverty line established under 42 USC 9902 (2),
and shall specify whether periodic payments are due on the obligation, based on the
father’s adjudicated parent’s ability to pay or contribute to those expenses.

2. If the order does not require periodic payments because the father
adjudicated parent has no present ability to pay or contribute to the expenses, the
court may modify the judgment or order at a later date to require periodic payments
if the father adjudicated parent has the ability to pay at that time.

Section 259. 767.805 (5) (b) of the statutes is amended to read:

767.805 (5) (b) If a court in a proceeding under par. (a) determines that the male
person is not the father parent of the child, the court shall vacate any order entered
under sub. (4) with respect to the male person. The court or the county child support
agency under s. 59.53 (5) shall notify the state registrar, in the manner provided in
s. 69.15 (1) (b), to remove the male’s person’s name as the father parent of the child
from the child’s birth record. No paternity parentage action may thereafter be
brought against the male person with respect to the child.

Section 260. 767.813 (5) (a), (b) and (c) of the statutes are amended to read:

767.813 (5) (a) Mother Parent as petitioner.
STATE OF WISCONSIN, CIRCUIT COURT: ....COUNTY

In re the Paternity Parentage of A. B.

STATE OF WISCONSIN

and

C. D. (Mother Parent-Petitioner)

Address

City, State Zip Code                                   File No. ...

, Petitioners

vs.                                                 SUMMONS

E. F.

Address                                (Case Classification Type):.... (Code No.)

City, State Zip Code

, Respondent

THE STATE OF WISCONSIN, To the Respondent:

1. You have been sued. .... claims that you are the father parent of the child,

.... born on .... (date), in .... (city) (county) (state). You must appear to answer this

claim of paternity parentage. Your court appearance is:

Date: .................................................................

Time: .................................................................

Room: .................................................................

Judge or Circuit Court Commissioner: ............................

Address: .................................................................
2. If you do not appear, the court will enter a default judgment finding you to be the father parent.

3. If you plan to be represented by an attorney, you should contact the attorney prior to the court appearance listed above. If you are unable to afford an attorney, the court will appoint one for you only upon the genetic tests showing that you are not excluded as the father parent and the probability of your being the father parent is less than 99.0 percent.

4. You are also notified that interference with the custody of a child is punishable by a fine of up to $10,000 and imprisonment for up to 3 years and 6 months. Section 948.31, stats.

5. The .... County Clerk of Circuit Court is an equal opportunity service provider. If you need assistance to access services in the courts or need material in an alternate format, please call ..... 

   Dated: ...., .... (year)

   Signed:..... ....

   G. H., Clerk of Circuit Court

   or

   Petitioner’s Attorney

   State Bar No.: ....

   Address: ....

   City, State Zip Code: ....

   Phone No.: ....

   (b) Alleged father parent as petitioner.

STATE OF WISCONSIN,   CIRCUIT COURT: ....COUNTY
In re the Paternity Parentage of A. B.

C. D. (Alleged Father Parent–Petitioner)

Address

City, State Zip Code File No. ...

, Petitioners

vs. SUMMONS

E. F.

Address .... (Case Classification Type):..... (Code No.)

City, State Zip Code

, Respondent

THE STATE OF WISCONSIN, To the Respondent:

1. You have been sued. The petitioner .... claims that he may to be the father parent of the child, .... born on .... (date), in .... (city) (county) (state). You must appear to answer this claim of paternity parentage. Your court appearance is:

Date: .................................................................

Time: .................................................................

Room: .................................................................

Judge or Circuit Court Commissioner: .................................

Address: .................................................................

2. If you do not appear, the court will enter a default judgment finding the petitioner .... to be the father parent. If you plan to be represented by an attorney, you should contact the attorney prior to the court appearance listed above.
3. The .... County Clerk of Circuit Court is an equal opportunity service provider. If you need assistance to access services in the court or need material in an alternate format, please call ....

Dated: ...., .... (year)

Signed:.... ....

G. H., Clerk of Circuit Court

or

Petitioner’s Attorney

State Bar No.: ....

Address: ....

City, State Zip Code: ....

Phone No.: ....

(c) Nonparent as petitioner.

STATE OF WISCONSIN,   CIRCUIT COURT: ....COUNTY

_______________________________________________________

In re the Paternity Parentage of A. B.

C. D. (Nonparent–Petitioner)

Address

City, State Zip Code                                          File No. ...

, Petitioners

vs.

SUMMONS

E. F.

Address .... (Case Classification Type):.... (Code No.)

City, State Zip Code

, Respondent
THE STATE OF WISCONSIN, To the Respondent

1. You have been sued. The petitioner .... claims that .... is the mother parent and .... may be the father is an alleged parent of the child, .... born on .... (date), in .... (city) (county) (state). You must appear to answer this claim of paternity parentage. Your court appearance is:

   Date: .................................................................
   Time: .................................................................
   Room: .................................................................
   Judge or Circuit Court Commissioner: .................................
   Address: ..................................................................

2. If you do not appear, the court may enter a default judgment finding .... to be the father a parent. If you plan to be represented by an attorney, you should contact the attorney prior to the court appearance listed above. If you are alleged to be the father a parent and you are unable to afford an attorney, the court will appoint one for you only upon genetic tests showing that you are not excluded as the father a parent and the probability of your being the father a parent is less than 99.0 percent.

3. The .... County Clerk of Circuit Court is an equal opportunity service provider. If you need assistance to access services in the court or need material in an alternate format, please call .... .

Dated: ...., .... (year)

Signed:..... ....

G. H., Clerk of Circuit Court

or
SECTION 261. 767.813 (5g) of the statutes is amended to read:

767.813 (5g) NOTICE. The notice to parties shall be attached to the summons. The notice shall be in boldface type and in substantially the following form:

NOTICE TO PARTIES

1. You are a party to a petition for parentage. A judgment of parentage legally designates the child in the case to be a child of the person found to be the father. It creates a legally recognized parent-child relationship between the person and the child. It creates the right of inheritance for the child, and obligates the person to support the child until the child reaches the age of 18, or the age of 19 if the child is enrolled full-time in high school or its equivalent. The failure by either parent to pay court-ordered support is punishable by imprisonment as a contempt of court or as a criminal violation.

2. A party to a paternity case has the right to be represented by an attorney. If you are unable to afford an attorney and you are a person who is named as the possible father of a child in a paternity case, the court will appoint an attorney for you only if the results of one or more genetic tests show that you are not excluded as the father and that the statistical probability of your being the father is less than 99.0 percent. In order to determine whether you are entitled to have an attorney appointed for you, you may call the following telephone number ....
3. The petitioner in this case has the burden of proving by a clear and satisfactory preponderance of the evidence whether the man person named as the possible father alleged parent is the father parent. However, if genetic tests show that the man person named is not excluded as the father parent, and show that the statistical probability that the man person is the father parent is 99.0 percent or higher, that man person is rebuttably presumed to be the father parent.

4. You may request genetic tests which will indicate the probability that the man person named as the possible father alleged parent is or is not the father parent of the child. The court will order genetic tests on a request by you, the state, or any other party. Any person who refuses to take court-ordered genetic tests may be punished for contempt of court.

5. The following defenses are available in a paternity parentage case:
   (a) The man person named as a possible father alleged parent of the child may claim that he the person was sterile or impotent at the time of conception.
   (b) The mother may claim that she, or the man named as a possible father parent or the alleged parent may claim that he, the parent and alleged parent did not have sexual intercourse with the each other party during the conceptive period (generally the period 8 to 10 months before the birth of the child).
   (c) The mother or the man named as a possible father parent or alleged parent may claim that another man person had sexual intercourse with the mother parent during the conceptive period.

6. You have the right to request a jury trial on the issue of whether the named man alleged parent is the father parent.
7. If you fail to appear at any stage of the proceeding, including a scheduled court-ordered genetic test, the court may enter a default judgment finding the man claimed to be the father named alleged parent as the father parent.

8. You must keep the clerk of court and child support agency informed of your current address at all times.

SECTION 262. 767.815 (2) (a) and (b) of the statutes are amended to read:

767.815 (2) (a) There are reasonable grounds to believe that before the time for service under s. 801.02 (1) or sub. (1) expired the respondent knew that the mother was pregnant about the pregnancy and that the respondent may be the father parent.

(b) Due diligence was exercised in attempting to serve the respondent, before the respondent was actually served.

SECTION 263. 767.82 (2m) and (4) of the statutes are amended to read:

767.82 (2m) CUSTODY PENDING COURT ORDER. If there is no presumption of paternity parentage under s. 891.41 (1) or if paternity parentage is conclusively determined from genetic test results under s. 767.804 (1) or acknowledged under s. 767.805 (1), the mother parent who gave birth shall have sole legal custody of the child until the court orders otherwise.

(4) DISCOVERY. Discovery shall be conducted as provided in ch. 804, except that no discovery may be obtained later than 30 days before the trial. No discovery may solicit information relating to the sexual relations of the mother parent who gave birth occurring at any time other than the probable time of conception.

SECTION 264. 767.83 (1) of the statutes is amended to read:

767.83 (1) GENERALLY. At the pretrial hearing, at the trial, and in any other proceedings in any paternity parentage action, any party may be represented by
counsel. If the male alleged parent respondent is indigent and the state is the petitioner under s. 767.80 (1) (g), the petitioner is represented by a government attorney as provided in s. 767.80 (6), or the action is commenced on behalf of the child by an attorney appointed under s. 767.407 (1) (c), counsel shall be appointed for the respondent as provided in ch. 977, subject to the limitations under sub. (2m), unless the respondent knowingly and voluntarily waives the appointment of counsel.

SECTION 265. 767.84 (1) (a) (intro.) of the statutes is amended to read:

767.84 (1) (a) (intro.) Except as provided in ss. 767.855 and 767.863, and except in actions to which s. 767.893 applies, the court shall require the all of the following to submit to genetic tests:

1m. The child, mother, any male.

3m. Any person for whom there is probable cause to believe that he had the person’s sexual intercourse with the mother during a possible time of the person who gave birth to the child may have resulted in the child’s conception, or any male.

4. Any witness who testifies or will testify about his the witness’s sexual relations with the mother at a possible time of conception to submit to genetic tests. person who gave birth to the child that may have resulted in conception of the child.

(ac) Probable cause of sexual intercourse during a possible time of that may have resulted in conception of the child for the purposes of par. (a) may be established by a sufficient petition or affidavit of the child’s mother person who gave birth to the child or an alleged father parent, filed with the court, or after an examination under oath of a party or witness, when the court determines that an examination is necessary.

(am) The court is not required to order a genetic test under this paragraph par. (a) with respect to any of the following:
Section 266. 767.84 (1) (a) 1. and 2. of the statutes are renumbered 767.84 (1) (am) 1. and 2.

Section 267. 767.84 (1) (a) 2m. of the statutes is created to read:

767.84 (1) (a) 2m. The person who gave birth to the child.

Section 268. 767.84 (1) (a) 3. of the statutes is renumbered 767.84 (1) (am) 3. and amended to read:

767.84 (1) (am) 3. a. Except as provided in subd. 3. b., a male respondent who fails to appear, if genetic test results with respect to another man person, other than the person who gave birth to the child, show that the other man person is not excluded as the father parent and that the statistical probability of the other man's person's parentage is 99.0 percent or higher creating a presumption of the other man's paternity person's parentage.

b. Subdivision 3. a. does not apply if the presumption of the other man's paternity person's parentage is rebutted.

Section 269. 767.84 (1) (b) (intro.) and 2. of the statutes are amended to read:

767.84 (1) (b) (intro.) The genetic tests shall be performed by an expert qualified as an examiner of genetic markers present on the cells of the specific body material to be used for the tests, appointed by the court. A report completed and certified by the court-appointed expert stating genetic test results and the statistical probability of the alleged father's paternity parent's parentage based upon the genetic tests is admissible as evidence without expert testimony and may be entered into the record at the trial or pretrial hearing if all of the following apply:

2. At least 10 days before the trial or pretrial hearing, the department or county child support agency under s. 59.53 (5) notifies the alleged father parent of the results of the genetic tests and that he the alleged parent may object to the test
results by submitting an objection in writing to the court no later than the day before
the hearing.

SECTION 270. 767.84 (4) of the statutes is amended to read:

767.84 (4) Tests excluding paternity parentage; refusal to submit to test.

Genetic test results excluding an alleged father parent as the father parent of the
child are conclusive evidence of nonpaternity that the alleged parent is not the
parent of the child and the court shall dismiss any paternity parentage action with
respect to that alleged father parent. Genetic test results excluding any male
witness from possible paternity parentage are conclusive evidence of nonpaternity
of the male that the witness is not the parent of the child. Testimony relating to
sexual intercourse or possible sexual intercourse of the mother with between the
person who gave birth to the child and any person excluded as a possible father
parent, as a result of a genetic test, is inadmissible as evidence. Refusal of a party
to submit to a genetic test shall be disclosed to the fact finder. Refusal to submit to
a genetic test ordered by the court is a contempt of the court for failure to produce
evidence under s. 767.87 (5). If the action was brought by the child's mother person
who gave birth to the child but she that person refuses to submit to a genetic test,
or refuses to submit herself or the child to a genetic tests test, the action shall be
dismissed.

SECTION 271. 767.84 (6) of the statutes is amended to read:

767.84 (6) Calling certain witnesses; notice. Any party calling a male witness
for the purpose of testifying that be the witness had sexual intercourse with the
mother at any possible time of person who gave birth to the child that may have
resulted in conception of the child shall provide all other parties with the name and
address of the witness 20 days before the trial or pretrial hearing. If a male witness
is produced at the hearing for the purpose stated in this subsection but the party
calling the witness failed to provide the 20-day notice, the court may adjourn the
proceeding for the purpose of taking a genetic test of the witness prior to hearing the
testimony of the witness if the court finds that the party calling the witness acted in
good faith.

**SECTION 271.** 767.85 (1) of the statutes is amended to read:

767.85 (1) **When required.** At any time during the pendency of an action to
establish the paternity parentage of a child, if genetic tests show that the alleged
father person is not excluded and that the statistical probability of the alleged
father's person's parentage is 99.0 percent or higher, on the motion of a party, the
court shall make an appropriate temporary order for the payment of child support
and may make a temporary order assigning responsibility for and directing the
manner of payment of the child’s health care expenses.

**SECTION 273.** 767.855 of the statutes is amended to read:

767.855 **Dismissal if adjudication not in child's best interest.** Except as
provided in s. 767.863 (1m), at any time in an action to establish the paternity
parentage of a child, upon the motion of a party or guardian ad litem or the person
who gave birth to the child if that person is not a party, the court or supplemental
court commissioner under s. 757.675 (2) (g) may, if the court or supplemental court
commissioner determines that a judicial determination of whether a male is the
father of the child parentage is not in the best interest of the child, dismiss the action
with respect to the male alleged parent, regardless of whether genetic tests have
been performed or what the results of the tests, if performed, were. Notwithstanding
ss. 767.813 (5g) (form) 4., 767.84 (1) and (2), 767.863 (2), 767.865 (2), and 767.88 (4),
if genetic tests have not yet been performed with respect to the male alleged parent,
the court or supplemental court commissioner is not required to order those genetic
tests.

Section 274. 767.863 (1m) of the statutes is amended to read:

767.863 (1m) Paternity Parentage allegation by male person other than husband spouse; when determination not in best interest of child. In an action to establish the paternity parentage of a child who was born to a woman while she was married couple during marriage, if a male person other than the woman’s husband alleges that he, not the husband, is spouse of the person who gave birth claims to be the child’s father parent, a party may allege that a judicial determination that a male person other than the husband is the father spouse of the person who gave birth is the parent is not in the best interest of the child. If the court or a supplemental court commissioner under s. 757.675 (2) (g) determines that a judicial determination of whether a male person other than the husband is the father spouse of the person who gave birth is the parent is not in the best interest of the child, no genetic tests may be ordered and the action shall be dismissed.

Section 275. 767.863 (2) of the statutes is amended to read:

767.863 (2) Order for tests. If at the first appearance it appears from a sufficient petition or affidavit of the child’s mother person who gave birth to the child or an alleged father parent of the child or from sworn testimony of the child’s mother person who gave birth to the child or an alleged father parent of the child that there is probable cause to believe that any of the males persons named has had sexual intercourse with the mother person who gave birth to the child during a possible time of the child’s conception, the court may, or upon the request of any party shall, order any of the named persons to submit to genetic tests. The tests shall be conducted in accordance with s. 767.84. The court is not required to order a person who has
undergone a genetic test under s. 49.225 to submit to another genetic test under this subsection unless a party requests additional tests under s. 767.84 (2).

**SECTION 276.** 767.87 (1) (a), (b), (d) and (e) of the statutes are amended to read:

767.87 (1) (a) Evidence of sexual intercourse between the mother parent who gave birth and alleged father parent at any possible time of conception or evidence of a relationship between the mother parent who gave birth and alleged father parent at any time.

(b) An expert’s opinion concerning the statistical probability of the alleged father’s paternity parent’s parentage based upon the duration of the mother’s pregnancy.

(d) The statistical probability of the alleged father’s paternity parent’s parentage based upon the genetic tests.

(e) Medical, scientific, or genetic evidence relating to the alleged father’s paternity parent’s parentage of the child based on tests performed by experts.

**SECTION 277.** 767.87 (1m) (intro.) of the statutes is amended to read:

767.87 (1m) BIRTH RECORD REQUIRED. (intro.) If the child was born in this state, the petitioner shall present a certified copy of the child’s birth record or a printed copy of the record from the birth database of the state registrar to the court, so that the court is aware of whether a name has been inserted on the birth record as the father parent of the child other than the person who gave birth to the child, at the earliest possible of the following:

**SECTION 278.** 767.87 (2) of the statutes is amended to read:

767.87 (2) ADMISSIBILITY OF SEXUAL RELATIONS BY MOTHER PERSON WHO GAVE BIRTH. Testimony relating to sexual relations or possible sexual relations of the mother
person who gave birth any time other than the possible time of conception of the child is inadmissible in evidence, unless offered by the mother person who gave birth.

**SECTION 279.** 767.87 (3) of the statutes is amended to read:

767.87 (3) Evidence of identified male person not under jurisdiction. Except as provided in s. 767.84 (4), in an action against an alleged father parent, evidence offered by him the alleged parent with respect to an identified male person who is not subject to the jurisdiction of the court concerning that male’s person’s sexual intercourse with the mother person who gave birth at or about the presumptive time of conception of the child is admissible in evidence only after the alleged father parent has undergone genetic tests and made the results available to the court.

**SECTION 280.** 767.87 (6) of the statutes is amended to read:

767.87 (6) When mother parent who gave birth not compelled to testify. (a) Whenever the state brings the action to determine paternity parentage pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157, or 49.159, the natural mother of parent who gave birth to the child may not be compelled to testify about the paternity parentage of the child if it has been determined that the mother parent who gave birth to the child has good cause for refusing to cooperate in establishing paternity parentage as provided in 42 USC 602 (a) (26) (B) and the federal regulations promulgated pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated by the department which that define good cause in accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

(b) Nothing in par. (a) prevents the state from bringing an action to determine paternity parentage pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b)
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2., 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157 or 49.159, where evidence other than the testimony of the person who gave birth may establish the paternity of the child.

SECTION 281. 767.87 (9) of the statutes is amended to read:

767.87 (9) ARTIFICIAL INSEMINATION; NATURAL FATHER. Where a child is conceived by artificial insemination, the husband of the person who gave birth to the child at the time of the conception of the child is the natural father of the child, as provided in s. 891.40.

SECTION 282. 767.87 (10) of the statutes is amended to read:

767.87 (10) RECORD OF MOTHER'S TESTIMONY ADMISSIBLE. A record of the testimony of the mother relating to the child's paternity, made as provided under s. 48.299 (8) or 938.299 (8), is admissible in evidence on the issue of paternity.

SECTION 283. 767.88 (2) (b) and (c) of the statutes are amended to read:

767.88 (2) (b) That the alleged father voluntarily acknowledge paternity of the child.

(c) If the alleged father voluntarily acknowledges paternity of the child, that he agree to the duty of support, the legal custody of the child, periods of physical placement of the child and other matters as determined to be in the best interests of the child by the court.

SECTION 284. 767.883 (1) of the statutes is amended to read:

767.883 (1) TWO PARTS. The trial shall be divided into 2 parts, the first part dealing with the determination of paternity and the 2nd part dealing with child support, legal custody, periods of physical placement, and related issues. The main issue at the first part shall be whether the alleged or presumed father
is or is not the father parent of the mother's child, but if the child was born to the
mother while she the person who gave birth was the lawful wife spouse of a specified
male person, the prior issue of whether the husband was spouse is not the father
parent of the child shall be determined first, as provided under s. 891.39. The first
part of the trial shall be by jury only if the defendant verbally requests a jury trial
either at the initial appearance or pretrial hearing or requests a jury trial in writing
prior to the pretrial hearing. The court may direct and, if requested by either party
before the introduction of any testimony in the party's behalf, shall direct the jury
to find a special verdict as to any of the issues specified in this section, except that
the court shall make all of the findings enumerated in s. 767.89 (2) to (4). If the
mother person who gave birth is dead, becomes insane, cannot be found within the
jurisdiction, or fails to commence or pursue the action, the proceeding does not abate
if any of the persons under s. 767.80 (1) makes a motion to continue. The testimony
of the mother person who gave birth, taken at the pretrial hearing, may in any such
case be read in evidence if it is competent, relevant, and material. The issues of child
support, custody and visitation, and related issues shall be determined by the court
either immediately after the first part of the trial or at a later hearing before the
court.

SECTION 285. 767.89 (2) (a) of the statutes is amended to read:

767.89 (2) (a) The clerk of court or county child support agency under s. 59.53
(5) shall file with the state registrar, within 30 days after the entry of a judgment or
order determining paternity parentage, a report showing the names, dates, and birth
places of the child and the father adjudicated parent, the social security numbers of
the mother, father person who gave birth to the child, adjudicated parent, and child,
and the maiden name of the mother full birth name of the person who gave birth to
the child on a form designated by the state registrar, along with the fee set forth in s. 69.22 (5), which the clerk of court or county child support agency shall collect.

SECTION 286. 767.89 (2) (b) (intro.) of the statutes is renumbered 767.89 (2) (b) and amended to read:

767.89 (2) (b) If, under par. (a), the clerk of court or county child support agency is unable to collect any of the following fees under par. (a) a fee for omitting, changing, or inserting a parent’s name on a birth record under s. 69.15 (3) (a) 1., 2., or 3., the department shall pay the fee and may not require the county or county child support agency to reimburse the department for the cost.

SECTION 287. 767.89 (2) (b) 1., 2. and 3. of the statutes are repealed.

SECTION 288. 767.89 (3) (e) of the statutes is amended to read:

767.89 (3) (e) 1. An order establishing the amount of the father’s adjudicated parent’s obligation to pay or contribute to the reasonable expenses of the mother’s pregnancy and the child’s birth childbirth. The amount established may not exceed one-half of the total actual and reasonable pregnancy and birth expenses. The order also shall specify the court’s findings as to whether the father’s adjudicated parent’s income is at or below the poverty line established under 42 USC 9902 (2), and shall specify whether periodic payments are due on the obligation, based on the father’s adjudicated parent’s ability to pay or contribute to those expenses.

2. If the order does not require periodic payments because the father adjudicated parent has no present ability to pay or contribute to the expenses, the court may modify the judgment or order at a later date to require periodic payments if the father adjudicated parent has the ability to pay at that time.

SECTION 289. 767.893 (1m), (2) (b) 1. and 2. and (2m) (a) of the statutes are amended to read:
767.893 (1m) JUDGMENT WHEN MOTHER PARENT FAILS TO APPEAR.

Notwithstanding sub. (1), a court may enter an order adjudicating the alleged father parent, or male person alleging that he is the father to be the parent, to be the father parent of the child under s. 767.89 if the mother of person who gave birth to the child fails to appear at the first appearance, scheduled genetic test, pretrial hearing, or trial if sufficient evidence exists to establish the male person as the father parent of the child.

(2) (b) 1. Only one of those persons fails to appear and all of the other male respondents have been excluded as the father parent.

  2. The alleged father parent who fails to appear has had genetic tests under s. 49.225 or 767.84 showing that the alleged father parent is not excluded and that the statistical probability of the alleged father’s parent’s parentage is 99.0 percent or higher.

(2m) (a) At any time after service of the summons and petition, a respondent who is the alleged father parent may, with or without appearance in court and subject to the approval of the court, in writing acknowledge that he is the alleged parent has read and understands the notice under s. 767.813 (5g) and stipulate that he is to being the father parent of the child and for child support payments, legal custody, and physical placement. The court may not approve a stipulation for child support unless it provides for payment of child support determined in a manner consistent with s. 767.511 or 767.89.

SECTION 290. 767.895 (intro.) of the statutes is amended to read:

767.895 Motion to reopen judgment based on statement acknowledging paternity parentage. (intro.) A judgment which adjudicates a person to be the father parent of a child and which was based upon a statement
acknowledging paternity parentage that was signed and filed before April 1, 1998, may, if no trial was conducted, be reopened under any of the following circumstances:

**SECTION 291.** 769.201 (1m) (g) of the statutes is amended to read:

769.201 (1m) (g) The individual asserted parentage of a child in a declaration of parental interest filed with the department of children and families under s. 48.025 or in a statement acknowledging paternity parentage filed with the state registrar under s. 69.15 (3) (b) 1. or 3.

**SECTION 292.** 769.316 (4) of the statutes is amended to read:

769.316 (4) Copies of bills for testing for parentage of a child, or for prenatal and postnatal health care of the mother person who gave birth and the child, or copies of reports of medical assistance payments under subch. IV of ch. 49 for such testing or prenatal and postnatal health care, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed or the amount of the medical assistance paid and that the charges or payments were reasonable, necessary, and customary.

**SECTION 293.** 769.316 (9) of the statutes is amended to read:

769.316 (9) The defense of immunity based on the relationship of husband and wife between spouses or parent and child does not apply in a proceeding under this chapter.

**SECTION 294.** 769.401 (2) (a) of the statutes is amended to read:

769.401 (2) (a) A parent or presumed father parent of the child.

**SECTION 295.** 769.401 (2) (g) of the statutes is repealed.

**SECTION 296.** 770.07 (2) of the statutes is amended to read:

770.07 (2) If sub. (1) and s. 770.05 are complied with, the county clerk shall issue a declaration of domestic partnership. With each declaration of domestic
partnership the county clerk shall provide information describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of cocaine or other drugs by the pregnant person during pregnancy. After the application for the declaration of domestic partnership is filed, the clerk shall, upon the sworn statement of either of the applicants, correct any erroneous, false, or insufficient statement in the application that comes to the clerk's attention and shall notify the other applicant of the correction, as soon as reasonably possible.

SECTION 297. 786.36 (1) (c) of the statutes is amended to read:

786.36 (1) (c) The minor's mother, the person who gave birth to the minor, if the minor is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803 and if paternity parentage of the minor has not been established.

SECTION 298. 808.075 (4) (a) 4. of the statutes is amended to read:

808.075 (4) (a) 4. Hearing for child held in custody under s. 48.21 or an adult expectant mother parent of an unborn child held in custody under s. 48.213.

SECTION 299. 815.20 (1) of the statutes is amended to read:

815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a resident owner and occupied by him or her shall be exempt from execution, from the lien of every judgment, and from liability for the debts of the owner to the amount of $75,000, except mortgages, laborers', mechanics', and purchase money liens, and taxes, and except as otherwise provided. The exemption shall not be impaired by temporary removal with the intention to reoccupy the premises as a homestead nor by the sale of the homestead, but shall extend to the proceeds derived from the sale to an amount not exceeding $75,000, while held, with the intention to procure another homestead with the proceeds, for 2 years. The exemption extends to land
SECTION 299. owned by husband and wife spouses jointly or in common or as marital property, and each spouse may claim a homestead exemption of not more than $75,000. The exemption extends to the interest therein of tenants in common, having a homestead thereon with the consent of the cotenants, and to any estate less than a fee.

SECTION 300. 822.40 (4) of the statutes is amended to read:

822.40 (4) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife between spouses or parent and child may not be invoked in a proceeding under this subchapter.

SECTION 301. 851.30 (2) (a) of the statutes is amended to read:

851.30 (2) (a) An individual who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, if the decree or judgment is not recognized as valid in this state, unless they subsequently participate in a marriage ceremony purporting to marry each other or they subsequently hold themselves out as husband and wife married to each other.

SECTION 302. 852.01 (1) (d) of the statutes is amended to read:

852.01 (1) (d) If there is no surviving spouse, surviving domestic partner, issue, or parent, to the brothers and sisters siblings and the issue of any deceased brother or sister sibling per stirpes.

SECTION 303. 852.01 (1) (f) 1. of the statutes is amended to read:

852.01 (1) (f) 1. One-half to the maternal grandparents on one side equally if both survive, or to the surviving maternal grandparent on that side; if both maternal grandparents on that side are deceased, to the issue of the maternal grandparents on that side or either of them, per stirpes.

SECTION 304. 852.01 (1) (f) 2. of the statutes is amended to read:
852.01 (1) (f) 2. One-half to the paternal relations on the other side in the same manner as to the maternal relations under subd. 1.

**SECTION 305.** 852.01 (1) (f) 3. of the statutes is amended to read:

852.01 (1) (f) 3. If either the maternal side or the paternal side has no surviving grandparent or issue of a grandparent, the entire estate to the decedent’s relatives on the other side.

**SECTION 306.** 852.05 (1) and (2) of the statutes are amended to read:

852.05 (1) A child born to unmarried parents, or the child’s issue, is treated in the same manner as a child, or the issue of a child, born to married parents with respect to intestate succession from and through the child’s mother person who gave birth to the child, and from and through the child’s father other parent if any of the following applies to the person alleged to be the other parent of the child:

(a) The father person has been adjudicated to be the father a parent of the child in a paternity parentage proceeding under ch. 767 or by final order or judgment of a court of competent jurisdiction in another state.

(b) The father person has admitted in open court that he is the father to being the parent of the child.

(c) The father person has acknowledged himself to be the father parentage in writing signed by him the person.

(2) Property of a child born to unmarried parents passes in accordance with s. 852.01 except that the father or the father’s kindred a parent who did not give birth to the child, or the kindred of such a parent, can inherit only if the father the parent has been adjudicated to be the father parent of the child in a paternity parentage proceeding under ch. 767 or by final order or judgment of a court of competent
jurisdiction in another state or has been determined to be the father parent under s. 767.804 or 767.805 or a substantially similar law of another state.

SECTION 307. 854.03 (3) of the statutes is amended to read:

854.03 (3) Marital property. Except as provided in subs. (4) and (5), if a husband and wife 2 spouses die leaving marital property and it is not established that one survived the other by at least 120 hours, 50 percent of the marital property shall be distributed as if it were the husband's the first spouse's individual property and the husband 2nd spouse had survived, and 50 percent of the marital property shall be distributed as if it were the wife's 2nd spouse's individual property and the wife first spouse had survived.

SECTION 308. 891.39 (title) of the statutes is amended to read:

891.39 (title) Presumption as to whether a child is marital or nonmarital; self-incrimination; birth certificates.

SECTION 309. 891.39 (1) (a) of the statutes is amended to read:

891.39 (1) (a) Whenever it is established in an action or proceeding that a child was born to a woman person while he or she was the lawful wife of legally married to a specified man person, any party asserting in such action or proceeding that the husband was spouse is not the father parent of the child shall have the burden of proving that assertion by a clear and satisfactory preponderance of the evidence. In all such actions or proceedings the husband and the wife spouses are competent to testify as witnesses to the facts. The court or judge in such cases shall appoint a guardian ad litem to appear for and represent the child whose paternity parentage is questioned. Results of a genetic test, as defined in s. 767.001 (1m), showing that a man person other than the husband spouse of the person who gave birth to the child is not excluded as the father parent of the child and that the statistical probability
of the man's person's parentage is 99.0 percent or higher constitute a clear and
satisfactory preponderance of the evidence of the assertion under this paragraph,
even if the husband spouse of the person who gave birth to the child is unavailable
to submit to genetic tests, as defined in s. 767.001 (1m).

**SECTION 310.** 891.39 (2) (a) of the statutes is amended to read:

891.39 (2) (a) The mother of person who gave birth to the child shall not be
excused or privileged from testifying fully in any action or proceeding mentioned in
sub. (1) in which the determination of whether the child is a marital or nonmarital
child is involved or in issue, when ordered to testify by a court of record or any judge
thereof; but she the person who gave birth to the child shall not be prosecuted or
subjected to any penalty or forfeiture for or on account of testifying or producing
evidence, except for perjury committed in giving the testimony.

**SECTION 311.** 891.39 (3) of the statutes is amended to read:

891.39 (3) If any court under this section adjudges a child to be a nonmarital
child, the clerk of court shall report the facts to the state registrar, who shall issue
a new birth record showing the correct facts as found by the court, and shall dispose
of the original, with the court’s report attached under s. 69.15 (3). If the husband
spouse of the person who gave birth to the child is a party to the action and the court
makes a finding as to whether or not the husband spouse is the father parent of the
child, such finding shall be conclusive in all other courts of this state.

**SECTION 312.** 891.395 of the statutes is amended to read:

891.395 **Presumption as to time of conception.** In any paternity parentage
proceeding, in the absence of a valid birth certificate indicating the birth weight, the
mother person who gave birth to the child shall be competent to testify as to the birth
weight of the child whose paternity parentage is at issue, and where the child whose
paternity parentage is at issue weighed 5 1/2 pounds or more at the time of its birth, the testimony of the mother person who gave birth to the child as to the weight shall be presumptive evidence that the child was a full term child, unless competent evidence to the contrary is presented to the court. The conception of the child shall be presumed to have occurred within a span of time extending from 240 days to 300 days before the date of its birth, unless competent evidence to the contrary is presented to the court.

SECTION 313. 891.40 of the statutes is amended to read:

891.40 Artificial insemination. (1) If, A person is the natural parent of a child conceived by artificial insemination if the artificial insemination is performed under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband of the mother at the time of the conception of the child shall be the natural father of a child conceived. The husband's consent must be in writing and signed by him and his wife if the person who receives the artificial insemination and the spouse of that person consent to the artificial insemination in a written document signed by both parties. The physician performing the artificial insemination shall certify their both parties' signatures and the date of the insemination, and shall file the husband's consent form with the department of health services, where it shall be kept confidential and in a sealed file except as provided in s. 46.03 (7) (bm). However, the physician’s failure to file the consent form does not affect the legal status of father parent and child. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, may be inspected only upon an order of the court for good cause shown.
(2) The donor of semen provided to a licensed physician for use in artificial insemination of a woman person other than the donor’s wife spouse is not the natural father parent of a child conceived, bears no liability for the support of the child and has no parental rights with regard to the child.

SECTION 314. 891.405 of the statutes is amended to read:

891.405 Presumption of paternity parentage based on acknowledgment. A man person is presumed to be the natural father parent of a child if he the person and the mother person who gave birth to the child have acknowledged paternity parentage under s. 69.15 (3) (b) 1. or 3. and no other man person is presumed to be the father natural parent under s. 891.41 (1).

SECTION 315. 891.407 of the statutes is amended to read:

891.407 Presumption of paternity parentage based on genetic test results. A man person is presumed to be the natural father parent of a child if the man person has been conclusively determined from genetic test results to be the father parent under s. 767.804 and no other man person is presumed to be the father person is presumed to be a parent of the child under s. 891.405 or 891.41 (1).

SECTION 316. 891.41 (title) of the statutes is amended to read:

891.41 (title) Presumption of paternity parentage based on marriage of the parties.

SECTION 317. 891.41 (1) (intro.) of the statutes is amended to read:

891.41 (1) (intro.) A man person is presumed to be the natural father parent of a child if any of the following applies:

SECTION 318. 891.41 (1) (a) of the statutes is amended to read:

891.41 (1) (a) He The person and the child’s natural mother person who gave birth to the child are or have been married to each other and the child is conceived
or born after marriage and before the granting of a decree of legal separation, annulment, or divorce between the parties.

**SECTION 319.** 891.41 (1) (b) of the statutes is renumbered 891.41 (1) (b) (intro.) and amended to read:

891.41 (1) (b) (intro.) **He The person** and the **child's natural mother person who gave birth to the child** were married to each other after the child was born but **he the person** and the **child's natural mother person who gave birth to the child** had a relationship with one another during the period of time within which the child was conceived and **no other man all of the following apply:**

1. No person has been adjudicated to be the **father or other parent.**

2. No other person is presumed to be the **father parent** of the child under par. (a).

**SECTION 320.** 891.41 (2) of the statutes is amended to read:

891.41 (2) In a legal action or proceeding, a presumption under sub. (1) is rebutted by results of a genetic test, as defined in s. 767.001 (1m), that show that a **man person** other than the **man person presumed to be the father natural parent** under sub. (1) is not excluded as the **father parent** of the child and that the statistical probability of the **man's person's parentage** is 99.0 percent or higher, even if the **man person** presumed to be the **father natural parent** under sub. (1) is unavailable to submit to genetic tests, as defined in s. 767.001 (1m).

**SECTION 321.** 891.41 (3) of the statutes is created to read:

891.41 (3) This section applies with respect to children born before, on, or after the effective date of this subsection .... [LRB inserts date].

**SECTION 322.** 905.04 (4) (e) 3. of the statutes is amended to read:
905.04 (4) (e) 3. There is no privilege in situations where the examination of
the expectant mother of person pregnant with an abused unborn child creates a
reasonable ground for an opinion of the physician, registered nurse, chiropractor,
psychologist, social worker, marriage and family therapist or professional counselor
that the physical injury inflicted on the unborn child was caused by the habitual lack
of self-control of the expectant mother of person pregnant with the unborn child in
the use of alcohol beverages, controlled substances or controlled substance analogs,
exhibited to a severe degree.

SECTION 323. 905.05 (title) of the statutes is amended to read:

905.05 (title) Husband-wife Spousal and domestic partner privilege.

SECTION 324. 938.02 (5s) of the statutes is created to read:

938.02 (5s) “Expectant parent” means a person who is pregnant.

SECTION 325. 938.02 (13) of the statutes is amended to read:

938.02 (13) “Parent” means a biological natural parent, a husband who has
consented to the artificial insemination of his wife under s. 891.40, or a parent by
adoption. If the juvenile is a nonmarital child who is not adopted or whose parents
do not subsequently intermarry under s. 767.803, “parent” includes a person
conclusively determined from genetic test results to be the father parent under s.
767.804 or a person acknowledged under s. 767.805 or a substantially similar law of
another state or adjudicated to be the biological father natural parent. “Parent” does
not include any person whose parental rights have been terminated. For purposes
of the application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC
1901 to 1963, “parent” means a biological natural parent of an Indian child, an Indian
husband spouse who has consented to the artificial insemination of his wife or her
spouse under s. 891.40, or an Indian person who has lawfully adopted an Indian
juvenile, including an adoption under tribal law or custom, and includes, in the case
of a nonmarital Indian child who is not adopted or whose parents do not subsequently
intermarry under s. 767.803, a person conclusively determined from genetic test
results to be the father parent under s. 767.804, a person acknowledged under s.
767.805, a substantially similar law of another state, or tribal law or custom to be the
biological father natural parent, or a person adjudicated to be the biological father
natural parent, but does not include any person whose parental rights have been
terminated.

SECTION 326. 938.27 (3) (b) of the statutes is amended to read:

938.27 (3) (b) 1. Except as provided in subd. 2., if the petition that was filed
relates to facts concerning a situation under s. 938.13 and if the juvenile is a
nonmarital child who is not adopted or whose parents do not subsequently
intermarry as provided under s. 767.803 and if paternity parentage has not been
established, the court shall notify, under s. 938.273, all of the following persons:

a. A person who has filed a declaration of paternal parental interest under s.
   48.025.

b. A person alleged to the court to be the father parent of the juvenile or who
   may, based on the statements of the mother person who gave birth to the child or
   other information presented to the court, be the father parent of the juvenile.

2. A court is not required to provide notice, under subd. 1., to any person who
   may be the father parent of a juvenile conceived as a result of a sexual assault if a
   physician attests to his or her belief that there was a sexual assault of the juvenile’s
   mother person who gave birth to the juvenile that may have resulted in the juvenile’s
   conception.

SECTION 327. 938.27 (5) of the statutes is amended to read:
938.27 (5) NOTICE TO BIOLOGICAL FATHERS PARENTS. Subject to sub. (3) (b), the court shall make reasonable efforts to identify and notify any person who has filed a declaration of paternal parental interest under s. 48.025, any person conclusively determined from genetic test results to be the father parent under s. 767.804 (1), any person who has acknowledged paternity parentage of the child under s. 767.805 (1), and any person who has been adjudged to be the father parent of the juvenile in a judicial proceeding unless the person’s parental rights have been terminated.

SECTION 328. 938.299 (6) (intro.) of the statutes is amended to read:

938.299 (6) ESTABLISHMENT OF PATERNITY WHEN MAN ALLEGES PATERNITY PARENTAGE. (intro.) If a man person who has been given notice under s. 938.27 (3) (b) 1. appears at any hearing for which he the person received the notice, alleges that he is the father to be the parent of the juvenile, and states that he wishes requests to establish the paternity parentage of the juvenile, all of the following apply:

SECTION 329. 938.299 (6) (e) 1., 2., 3. and 4. of the statutes are amended to read:

938.299 (6) (e) 1. In this paragraph, “genetic test” means a test that examines genetic markers present on blood cells, skin cells, tissue cells, bodily fluid cells or cells of another body material for the purpose of determining the statistical probability that a man person who is alleged to be a juvenile’s father parent is the juvenile’s biological father parent.

2. The court shall, at the hearing, orally inform any man person specified in sub. (6) (intro.) that he the person may be required to pay for any testing ordered by the court under this paragraph or under s. 885.23.

3. In addition to ordering testing as provided under s. 885.23, if the court determines that it would be in the best interests of the juvenile, the court may order any man person specified in sub. (6) (intro.) to submit to one or more genetic tests
which shall be performed by an expert qualified as an examiner of genetic markers present on the cells and of the specific body material to be used for the tests, as appointed by the court. A report completed and certified by the court-appointed expert stating genetic test results and the statistical probability that the man alleged to be the juvenile's father parent is the juvenile's biological father parent based upon the genetic tests is admissible as evidence without expert testimony and may be entered into the record at any hearing. The court, upon request by a party, may order that independent tests be performed by other experts qualified as examiners of genetic markers present on the cells of the specific body materials to be used for the tests.

4. If the genetic tests show that an alleged father parent is not excluded and that the statistical probability that the alleged father parent is the juvenile's biological father parent is 99.0 percent or higher, the court may determine that for purposes of a proceeding under this chapter or ch. 48, other than a proceeding under subch. VIII of ch. 48, the man alleged parent is the juvenile's biological parent.

SECTION 330. 938.299 (7) and (8) of the statutes are amended to read:

938.299 (7) ESTABLISHMENT OF PATERNITY PARENTAGE WHEN NO MAN PERSON ALLEGES PATERNITY PARENTAGE. If a man person who has been given notice under s. 938.27 (3) (b) 1. appears at any hearing for which he the person received the notice but does not allege that he is the father to be the parent of the juvenile and state that he wishes to establish the paternity parentage of the juvenile or if no man person to whom such notice was given appears at a hearing, the court may refer the matter to the state or to the attorney responsible for support enforcement under s. 59.53 (6) (a) for a determination, under s. 767.80, of whether an action should be brought for the purpose of determining the paternity parentage of the juvenile.
(8) Testimony of juvenile's mother. As part of the proceedings under this chapter, the court may order that a record be made of any testimony of the juvenile's mother who gave birth to the juvenile relating to the juvenile's paternity parentage. A record made under this subsection is admissible in a proceeding to determine the juvenile's paternity parentage under subch. IX of ch. 767.

Section 331. 938.355 (4g) (a) 1. of the statutes is amended to read:

938.355 (4g) (a) 1. The juvenile's parents are parties to a pending action for divorce, annulment, or legal separation, a man person determined under s. 938.299 (6) (e) 4. to be the biological father parent of the juvenile for purposes of a proceeding under this chapter is a party to a pending action to determine paternity parentage of the juvenile under ch. 767, or the juvenile is the subject of a pending independent action under s. 767.41 or 767.43 to determine legal custody of the juvenile or visitation rights with respect to the juvenile.

Section 332. 939.24 (1) of the statutes is amended to read:

939.24 (1) In this section, “criminal recklessness” means that the actor creates an unreasonable and substantial risk of death or great bodily harm to another human being and the actor is aware of that risk, except that for purposes of ss. 940.02 (1m), 940.06 (2) and 940.23 (1) (b) and (2) (b), “criminal recklessness” means that the actor creates an unreasonable and substantial risk of death or great bodily harm to an unborn child, to the woman person who is pregnant with that unborn child, or to another and the actor is aware of that risk.

Section 333. 939.25 (1) of the statutes is amended to read:

939.25 (1) In this section, “criminal negligence” means ordinary negligence to a high degree, consisting of conduct that the actor should realize creates a
substantial and unreasonable risk of death or great bodily harm to another, except
that for purposes of ss. 940.08 (2), 940.10 (2) and 940.24 (2), “criminal negligence”
means ordinary negligence to a high degree, consisting of conduct that the actor
should realize creates a substantial and unreasonable risk of death or great bodily
harm to an unborn child, to the woman person who is pregnant with that unborn
child, or to another.

SECTION 334. 940.01 (1) (b) of the statutes is amended to read:

940.01 (1) (b) Except as provided in sub. (2), whoever causes the death of an
unborn child with intent to kill that unborn child, kill the woman person who is
pregnant with that unborn child, or kill another is guilty of a Class A felony.

SECTION 335. 940.02 (1m) of the statutes is amended to read:

940.02 (1m) Whoever recklessly causes the death of an unborn child under
circumstances that show utter disregard for the life of that unborn child, the woman
person who is pregnant with that unborn child, or another is guilty of a Class B
felony.

SECTION 336. 940.05 (2g) (intro.) of the statutes is amended to read:

940.05 (2g) (intro.) Whoever causes the death of an unborn child with intent
to kill that unborn child, kill the woman person who is pregnant with that unborn
child or kill another is guilty of a Class B felony if:

SECTION 337. 940.05 (2h) of the statutes is amended to read:

940.05 (2h) In prosecutions under sub. (2g), it is sufficient to allege and prove
that the defendant caused the death of an unborn child with intent to kill that unborn
child, kill the woman person who is pregnant with that unborn child, or kill another.

SECTION 338. 940.195 (1) of the statutes is amended to read:
940.195 (1) Whoever causes bodily harm to an unborn child by an act done with intent to cause bodily harm to that unborn child, to the woman person who is pregnant with that unborn child, or another is guilty of a Class A misdemeanor.

**SECTION 339.** 940.195 (2) of the statutes is amended to read:

940.195 (2) Whoever causes substantial bodily harm to an unborn child by an act done with intent to cause bodily harm to that unborn child, to the woman person who is pregnant with that unborn child, or another is guilty of a Class I felony.

**SECTION 340.** 940.195 (4) of the statutes is amended to read:

940.195 (4) Whoever causes great bodily harm to an unborn child by an act done with intent to cause bodily harm to that unborn child, to the woman person who is pregnant with that unborn child, or another is guilty of a Class H felony.

**SECTION 341.** 940.195 (5) of the statutes is amended to read:

940.195 (5) Whoever causes great bodily harm to an unborn child by an act done with intent to cause great bodily harm to that unborn child, to the woman person who is pregnant with that unborn child, or another is guilty of a Class E felony.

**SECTION 342.** 940.23 (1) (b) of the statutes is amended to read:

940.23 (1) (b) Whoever recklessly causes great bodily harm to an unborn child under circumstances that show utter disregard for the life of that unborn child, the woman person who is pregnant with that unborn child, or another is guilty of a Class D felony.

**SECTION 343.** 943.20 (2) (c) of the statutes is amended to read:

943.20 (2) (c) “Property of another” includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife married to each other.
SECTION 344. 943.201 (1) (b) 8. of the statutes is amended to read:

943.201 (1) (b) 8. The maiden name surname of an individual's mother parent before marriage if the surname was changed as a result of marriage.

SECTION 345. 943.205 (2) (b) of the statutes is amended to read:

943.205 (2) (b) “Owner” includes a co-owner of the person charged and a partnership of which the person charged is a member, unless the person charged and the victim are husband and wife married to each other.

SECTION 346. 944.17 (3) of the statutes is amended to read:

944.17 (3) Subsection (2) does not apply to a mother’s breast-feeding person’s breastfeeding of her that person’s child.

SECTION 347. 944.20 (2) of the statutes is amended to read:

944.20 (2) Subsection (1) does not apply to a mother’s breast-feeding person’s breastfeeding of her that person’s child.

SECTION 348. 948.10 (2) (b) of the statutes is amended to read:

948.10 (2) (b) A mother’s breast-feeding person’s breastfeeding of her that person’s child.

SECTION 349. 948.31 (2) of the statutes is amended to read:

948.31 (2) Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child’s parents or, in the case of a nonmarital child whose parents do not subsequently intermarry under s. 767.803, from the child’s mother or, if he has been granted legal custody, the child’s father a parent with legal custody of the child, without the consent of the parents, the mother or the father or the parent with legal custody, is guilty of a Class I felony. This subsection is not applicable if legal custody has been granted by court order to the person taking or withholding the child.
**SECTION 350.** 990.01 (19j) (b) of the statutes is amended to read:

990.01 (19j) (b) “Live birth” means the complete expulsion or extraction from his or her mother an individual, of a human being, at any stage of development, who, after the expulsion or extraction, breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, a cesarean section, or an abortion, as defined in s. 253.10 (2) (a).

**SECTION 351.** 990.01 (22h) of the statutes is created to read:

990.01 (22h) NATURAL PARENT. “Natural parent” means a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not.

**SECTION 352.** 990.01 (39) of the statutes is created to read:

990.01 (39) Spouses. “Spouses” means 2 individuals of the same sex or different sexes who are legally married to each other.

**SECTION 353.** 990.01 (40m) of the statutes is created to read:

990.01 (40m) STEPPARENT. “Stepparent” means a person who is the spouse of a child’s parent and who is not also a parent of the child.

**SECTION 354. Nonstatutory provisions.**

(1) TERMINOLOGY CHANGES.

(a) In the statutes indicated, replace “paternity” with “parentage”: ss. 13.63 (1) (b), 13.64 (2), 29.024 (2g) (d) 1., 29.229 (5m) (c), 45.01 (4), 46.03 (7) (bm), 48.235 (4) (a) 7m. and (4m) (a) 7m., 48.299 (6) (a), (d), and (e) 5., 48.355 (4g) (a) (intro.) and (d) 1., 48.396 (2) (dm), 48.40 (1r), 48.42 (2) (b) (intro.) and (bm) (intro.) and (4) (b) 2., 48.422 (6) (c), 48.423 (title), 48.46 (1m), 48.48 (11), 48.715 (6), 48.837 (4) (e), 48.91 (2),
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49.141 (1) (i) 2., 49.145 (2) (f) 1. a., 49.19 (4) (h) 1. a., 49.22 (title), (1), (7), and (7g) (a),
49.463 (3) (title) and (b) 1. b. and 2. (intro.) and b. and (6), 49.48 (3), 49.79 (6q) (title)
and (b) 1. b. and 2. (intro.) and b. and (6u) (title) and (a) 1., 49.83, 49.855 (6), 49.857
(1) (f), 49.90 (2r) and (11), 59.40 (2) (p), 59.53 (5) (title) and (a), 69.15 (3) (d) and (3m)
(a) (intro.), 93.135 (3), 102.17 (1) (cm), 103.275 (2) (bm), 103.34 (10) (b), 103.91 (4) (b),
103.92 (6), 104.07 (5), 105.13 (2), 115.315, 118.19 (1r) (b), 138.09 (3) (am) 3. and (4)
b, 138.12 (4) (b) 6. and (5) (am) 1. c. and 2., 138.14 (5) (b) 3. and (9) (b), 165.85 (3)
(cm) and (3m) (a), 169.34 (3) (a), 170.12 (8) (b) 1. c. and 2., 202.021 (4) (a) 7., 202.06
(2) (e), 217.06 (6), 217.09 (1m), 218.0116 (1g) (a) and (1m) (a) 3. and (b), 218.02 (3) (e),
(6) (b), and (9) (a) 2., 218.04 (4) (am) 3. and (5) (am), 218.05 (4) (c) 3., (11) (c), and (12)
(am), 218.11 (6m) (a), 218.12 (3m) (a), 218.22 (3m) (a), 218.32 (3m) (a), 218.41 (3m)
(a), 218.51 (4m) (a), 224.72 (7m) (c), 224.725 (6) (c), 224.77 (2m) (c), 224.95 (1) (c),
250.041 (3), 256.17 (3), 299.08 (2), 341.51 (4m) (a), 343.345, 343.66 (2), 440.13 (2) (a)
and (b), 551.412 (4g) (a) 3. and (b), 562.05 (5) (a) 9. and (8) (d), 563.28 (1), 628.097
(1m), 628.10 (2) (c), 632.69 (2) (d) 1. and (4) (c), 633.14 (2m) (a), 633.15 (2) (c), 751.15
(3), 757.675 (2) (g), 757.69 (1) (p) 3., 767.001 (1) (L), 767.01 (2), 767.041 (1) (b), 767.205
(2) (a) (intro.) and 1. and (b) 2., 767.215 (5) (am), 767.35 (6) and (7), 767.401 (1) (b)
and (2) (a) and (b), 767.407 (1) (c) and (d) and (4), 767.41 (1) (b) and (1m) (intro.),
767.511 (1) (intro.), 767.513 (2), 767.521 (intro.), 767.77 (1), 767.80 (title) and (1)
(intro.), 767.805 (title), (1), (1m), (2) (a), (3) (title) and (a), (4) (intro.), (5) (a), and (6)
(a) (intro.), (b), and (c), 767.814, 767.815 (intro.), 767.82 (title), (1) (a), (2), (5), (6), and
(8), 767.83 (2) and (3), 767.84 (title), 767.853 (intro.), (1) (intro.), (2), and (3) (a),
767.863 (1) and (3), 767.865 (2), 767.87 (title), (1) (intro.) and (f), (2m), (4) (a), and (8),
767.88 (title), (1), and (2) (intro.), 767.89 (title), (1), (3) (intro.) and (a), (3m) (a) and
(b), and (4) (a) 1. c., 769.316 (10), 769.401 (2) (b) and (f), 803.01 (3) (b) 1., 814.61 (1)
(c) 1. and (7) (c), 818.02 (6), 818.05, 822.02 (4), 852.05 (4), 885.06 (1) and (2), 885.10,
891.39 (1) (b), 893.88, 895.01 (1) (am) 1., 895.4803, 905.04 (4) (g), 938.235 (4) (a) 7m.,
938.299 (6) (a), (d), and (e) 5., 938.355 (4g) (a) (intro.) and (d) 1., 938.396 (2g) (g),
948.22 (7) (b) 2. and (bm), 948.31 (1) (a) 1., 977.05 (4) (i) 7., and 977.08 (2) (h).
(b) In the statutes indicated, replace “father,” “fathers,” or “father’s” with
“parent,” “parents,” or “parent’s”: ss. 48.025 (5) (a) (intro.), 48.42 (2) (b) 3. and (bm)
2., (2m) (a), and (4) (b) 3., 48.422 (6) (b), 48.432 (1) (am) 2. a., 48.837 (4) (e), 48.91 (2),
48.913 (1) (h), (4), and (7), 49.90 (11), 767.83 (2m), 767.84 (1) (b) 3. and (1m), 767.893
(2) (a) and (b) (intro.), (2m) (c), and (3) (intro.), 769.201 (1m) (gm), and 769.401 (2) (c),
(d), and (e).
(c) In the statutes indicated, replace “mother,” “mothers,” or “mother’s” with
“parent,” “parents,” or “parent’s”: ss. 48.01 (1) (a), (am), (ap), (bm), (br), and (h), 48.02
(1) (am) and (17m), 48.06 (1) (a) 3., 48.067 (1), (2), (3), (4), and (8), 48.069 (1) (a) and
(c), 48.07 (4), 48.08 (1) and (3), 48.133, 48.135 (title), (1), and (2), 48.14 (5), 48.15,
48.185 (1) (a) and (b), subch. IV (title) of ch. 48, 48.19 (1) (d) 8., 48.193 (title), (1)
(intro.) and (d) 1., 2., and 3., and (2), 48.20 (4m), 48.203 (title), (1), (2), (3), (6) (b) and
(c), and (7), 48.205 (title) and (2), 48.207 (title), (1m) (intro.), (a), (c), (d), and (e), and
(2) (b), 48.21 (3) (title), (ag), and (b) and (7), 48.213 (title), (1) (a), (2), (3), (4), (4m),
and (5), 48.217 (title), (1) (a), (b) 1. b., and (c) 3., (2) (a), and (2m) (a) and (b) 2., 48.23
(2) (m) (title), (a), and (c) and (4) (b), 48.235 (3) (b) 1. and (4m) (a) 3m., 48.24 (1m), (2)
(a), (2m) (a) 6., and (5), 48.243 (1) (intro.), (3), and (4), 48.245 (1) (c) and (2) (a) 1., 2.,
3., and 4. and (c), 48.25 (1), 48.255 (1m) (intro.), (b), (bm), (c), and (e), 48.263 (1), 48.27
(1), (3) (a) 1., (4) (b) 1., and (8), 48.275 (1) and (2) (a), (b), (c), and (cg) (intro.), 48.29
(1), 48.293 (2), 48.295 (1c), (1g), (2), and (3), 48.297 (4) and (5), 48.299 (1) (b) and (4)
(b), 48.30 (1), (3), (6) (a), (7), and (8) (a) and (c), 48.305, 48.31 (2), (4), and (7) (a), 48.315
LEGISLATIVE INTENT. The legislature intends this act to harmonize the language of the Wisconsin statutes relating to marriage and the determination of parentage with the provision of s. 990.001 (2), which specifies that words importing one gender extend and may be applied to any gender. The legislature intends that by amending the statutes relating to marriage and the determination of parentage with respect to married couples to use gender-neutral language where appropriate so as to clarify that the same statutory rights and responsibilities apply between married persons of the same sex as between married persons of different sexes and to extend some of the presumptions of parentage to either parent, the Wisconsin statutes will be better aligned with the holding of the U.S. Supreme Court in Obergefell v. Hodges, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015), which recognizes that same-sex couples have a fundamental constitutional right to marriage. To the
extent language remains in Wisconsin law referring to one gender after the effective
date of this subsection, the rule of construction regarding gender under s. 990.001
(2) remains applicable, and it is not the intent of the legislature, except to the extent
necessary to conform to the requirements of federal law, to narrow to one gender the
construction of any provision for which an application to any gender would be
appropriate.

(END)